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AN
HISTORICAL NARRATIVE
OF THE HORRID
PLOT AND CONSPIRACY
OF
TITUS OATES,
CALLED
THE POPISH PLOT,
IN ITS VARIOUS
BRANCHES AND PROGRESS,
SELECTED FROM THE MOST
Authentic Protestant Historians,
TO WHICH ARE ADDED SOME
CURSORY OBSERVATIONS
ON THE
TEST ACT.

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HISTORICAL NARRATIVE

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NEXT to the knowledge of *true* religion, the history of our country ought to engross our serious attention. — Both these studies are peculiarly incumbent upon the inhabitants of this united empire, because true religion, which is the only source of our eternal salvation, is so obscured by the multitudes of sects which have sprung out of the pretended Reformation, as to leave but a few faint traces of her sublime beauties visible, and therefore the more difficult to discover; and because a cognizance of the real principles of our excellent Constitution is essentially necessary to our temporal happiness, inasmuch as we are, or *ought to be*, invested with an important share in the preservation of our civil liberties, by the exercise of the elective franchise; which privilege cannot be well exercised for the benefit of ourselves and our country, without some attainment in an impartial knowledge of her annals. Notwithstanding the truth of this position, there is, I believe, in no civilized country in the whole habitable globe, a people so grossly deficient in each of these sciences as the people of England; of whom it may be said, that they are as ignorant of the *truth* of the eventful circumstances which have occurred in this island since the above pe-

riod, as our Mary the Second, consort to William III, is stated to have been of history in general; since she is said not to have known the title of Henry VII, nor the terms upon which Queen Mary married Philip of Spain, until she was instructed, some years after her marriage, and just before her succeeding to the throne of her father, James II, by Bishop Burnet. This national defect of genuine instruction may be attributed to various causes; the pains taken by the leading reformers to mislead the public mind; the prejudices naturally imbibed by the vulgar class, in consequence of these misrepresentations; and the base spirit which generally governed the minds of our authors when narrating facts, to detail not according to the true statement of the subject, but according to the feelings of the public mind, in order to ensure a good sale for their works. This latter has been the case with most writers who have undertaken to *abridge* the works of our celebrated historians, and hence we may account for the deep-rooted prejudices and notorious ignorance of the English people in general, both in matters of religion and policy.

Nothing can tend to illustrate these observations so well as a slight glance into the various discussions which have taken place on the subject of CATHOLIC EMANCIPATION, in which the enquirer will find men, in every other respect gifted with the highest talents, blindly led away by the prepossessions of false ideas, probably imbued in their infant years, and without searching into the true causes, condemn their fellow-men of crimes, which they have neither committed, nor dreamt of.

It is perfectly well known that the Catholics of this realm are exclusively debarred from sitting in

Parliament, and holding offices under the State; but it is not so well understood *how* and *when* they became excluded. From these disqualifications, the Catholics have been petitioning, for some years past, to be relieved, but without effect. If they petition on the ground of *loyalty*, they are instantly told they cannot be faithful subjects to a Protestant state, because their allegiance is divided, by admitting the supremacy of the Pope, although it is notorious that this supremacy is merely of a *spiritual* nature, and the same as is admitted by the Catholic subjects of every state in the universe. If they ask for redress on the score of *justice*, they are answered that it cannot be granted, because they are not trust worthy; that they do not keep faith with heretics, and that "their tenets teach them totally to destroy every person differing from them in faith."—If they ask for their rights upon the principles of the British Constitution, and solicit an equal participation in the privileges of the state in common with their fellow-subjects of every religious creed, they are told, that to comply with their wishes, would be nothing less than to break down every bulwark erected since the Reformation; that it would go to annul the Test and Corporation Acts, passed in the reign of Charles II; and that nothing else will content them short of a total subversion of the Constitution in Church and State.

To silence these objections, numberless pamphlets have been issued from the press, and every calumny has, in the opinion of many, been most clearly refuted, but without the desired effect. Amidst all these efforts of the pen, to confute and remove the unfounded impressions which still operate in the minds of many well-intentioned individuals, to oppose the just claims of nearly a third part of the population of the united kingdom,

it has been a matter of some surprize to me, that no one should occupy himself in giving to the public, in as detailed yet cheap a form as the nature of the work would admit, *the proceedings which gave birth to those Acts of the Legislature in the aforesaid reign, which are now termed "the great bulwarks of the Constitution both in Church and State, particularly against Papists."*

It is an undeniable fact, that Catholics continued to sit in Parliament, in England, until the 30th year of the reign of Charles II, and to fill places under Government till the 25th of that monarch's rule, when they were excluded by the passing of a statute for that purpose. In Ireland they were not deprived of their civil privileges till some time after William III had assumed the sovereignty of these realms, and had entered into a solemn treaty with the Irish Catholics, guaranteeing to them the *full enjoyment of their civil and religious liberties*. Is it not then of the utmost consequence to know by *what means* Catholics came to be deprived of their just rights, and upon *what* foundation these boasted bulwarks of our Constitution were erected? This appears to me to be so essentially necessary to the formation of a *correct judgment* on the merits or demerits of CATHOLIC EMANCIPATION, that since no other person has undertaken the task, I have ventured to lay before the public a succinct Narrative of the Transactions which occasioned the enactment of the Test and Corporation Acts, by which the Catholics were deprived of those civil rights which they now seek to be re-instated in.

In doing this I have no desire to irritate or hurt the feelings of my fellow-subjects. I merely wish to open to their view the real state of a question which has long agitated the public mind, and to shew how

unjustly the Catholics were treated at the period alluded to, according to the testimony of Protestant historians.—I wish to shew that whatever has iniquity for its origin, cannot be maintained without a participation of crime. And therefore as Hume has declared, that in narrating the incident of the Popish Plot, “which, for the credit of the nation, it were better to bury in eternal oblivion; but which (he says) it is necessary to perpetuate, as well to maintain the truth of history, as to warn, if possible, their posterity and all mankind never again to fall into so shameful and so barbarous a delusion;” so do I protest, that my principal motive in making more public the diabolical and infamous proceedings which took place during the progress of OATES’s PLOT is, to render more clear the horrid acts of injustice which the Catholics then suffered, in order that justice may now be rendered to their posterity, by freely admitting them to their civil privileges, of which their ancestors were deprived during the dominion of popular frenzy and bigoted delirium in England, and by an act of perfidy in Ireland.

The narrative of the plot is copied nearly verbatim from Echard’s History of England; an authority which cannot be disputed, since he was a divine of the Established Church, being Archdeacon of Stowe, and Chaplain to the then Archbishop of Canterbury. I have also occasionally added the testimony of Smollett, Hume, and other Protestant historiographers.—The account of the trials of the unfortunate sufferers, together with their dying speeches, are extracted from the printed copies authorised by Judge Scroggs, &c.; from the Collection of State Trials printed in 1719; and from Dodd’s Church History. The reader is thus in possession of the authorities from whom I

have selected the following pages, which I would recommend him to read with a candid and unprejudiced mind, anxious to ascertain the true statement of every case, and desirous of seeing justice done to those to whom justice is due. With these dispositions I have little fear for the decision of the reader; and should my labours be the means of adding one sincere friend to the cause of Truth and Justice; should I gain one disinterested advocate in favour of real Civil and Religious Liberty, and thereby increase the number of supporters of the genuine principles of the British Constitution, they cannot, I flatter myself, be considered useless.

THE EDITOR

London, Oct. 18, 1815.

NARRATIVE.

CHAPTER I.

Preliminary Remarks—The extent of the Plot as represented by the discoverers—The nation prepared for its reception—An account of Titus Oates and Dr. Tonge—Oates's Travels—The substance of his narrative—Tonge opens the scene, and delivers the narrative to the King—He is privately examined by the Lord Treasurer, who discovers the matter to the King.—Tonge's further discoveries—The King believes nothing of the matter—More discoveries by letters—The whole matter laid before the Privy Council—Oates and Tonge advanced—Many Catholics arrested, and imprisoned.

AT the time of the conclusion of the treaty of Nimeguen, in 1678, says Echard, ease and plenty increased in the country, trade and riches abounded in the city, luxury and pleasure triumphed in the court, and all enjoyed the natural blessings of peace and tranquillity; yet in the midst of all these outward felicities, a sudden fire broke out, which, as it increased, did not only disturb and enrage, but in effect, distracted, and confounded, the greatest part of the kingdom; producing a thousand strange and uncommon effects, and this was the discovery of a Plot, commonly called the *POPISH PLOT*; *a plot carried on by the Jesuits, and other Papists, against his Majesty's Life, the Protestant Religion, and the Government of this kingdom.** It was more particularly distinguished by the name of *Oates's Plot*, and afterwards *Shaftesbury's Plot*; the first being accounted the main discoverer of the facts, and the latter the grand promoter of the belief of them. It is usual with state plots, that though their roots be small, and almost in-

* Smollet says, that "at this period, the attention of the English nation was engrossed by a very remarkable instance of *villainy and imposture*, that raised an universal ferment among the people, and operated in *defiance of common sense and demonstration.*" And Hume observes, that "an universal panic being diffused, reason and argument, and common sense and common humanity lost all influence over the people. From *this disposition of men's minds* we are to account for the progress and credit of the popish plot; an event which would otherwise appear prodigious and altogether inexplicable."

visible, yet the branches are large and conspicuous; especially when the people are ready prepared and disposed to preserve and cherish those exuberant plants. This was so well cultivated in its rise and growth, that it soon overspread and clouded the nation: and since it so soon grew very large and monstrous, for the greater clearness and the reader's ease, we shall first represent it in its full extent and amplitude, as we have it from Oates himself, H. Care, and other zealous favourers of the belief of it.

The design in general, as they inform us, was by *fire and sword*, when *all* other means *failed*, to *subvert* the established government and religion of these kingdoms, and to *reduce the same to popery*, so as *no toleration* should be given to *any protestant*, but *all to be extirpated*, root and branch. The chief conspirators that designed and were to carry on this great work, were thus marshalled: 1. The present pope Innocent the eleventh, who in the congregation *de propaganda fide*, consisting of above three hundred persons, held about December, 1677, declared "all the king of England's dominions to be a part of St. Peter's patrimony, as forfeited to the holy see, for the heresy of the prince and people, and so to be disposed of as he should think fit." 2. The English cardinal Howard, who, in pursuance of such declaration, was appointed by his holiness as his legate, to take possession of England in his name: He likewise made him archbishop of Canterbury, with an augmentation of forty thousand crowns a year, for the maintenance of his legative authority; and had also constituted bishops and dignitaries of all or most of the sees and ecclesiastical promotions in England; as Perrot, superior of the secular priests, to be archbishop of York; Corker, bishop of London; Whitebread, of Winchester; Strange, of Durham; Dr. Godden, of Salisbury; Napper, a franciscan friar, of Norwich, &c. removing all the bishops in possession from their present dignities. 3. Johannes Paulus de Oliva, father-general of the jesuit's society, residing at Rome, who was to give directions to the provincial of the jesuits in London, how to proceed in this affair. 4. Pedro Jeronymo de Corduba, provincial of the jesuits of Spain, who was to assist with counsel and money, and to misrepresent the actions of his Britannic majesty to the Spanish court: which likewise was to be done by a jesuit, confessor to the emperor, in relation to England and that court. 5. Father le Chaise,* a jesuit, confessor to the French king, with whom Coleman held a constant correspondence, in order to betray his country. 6. The provincial of the jesuits, for the time being in England, which, of late, was first Strange and then

* Oates was so ignorant, that he called him father la Shee.—*Smollett*.

Whitebread. 7. The Benedictine monks, at the Savoy, in London, where they had erected them a college, to carry on such private ends. 8. Great numbers of jesuits and seminary priests, now residing in England, who were generally privy to the main design, though perhaps not all acquainted with particulars. 9. Several lay persons of quality drawn in, out of zeal, ambition, avarice, &c. to join with them, to command the forces they were to raise, and execute the great offices in the realm; as the Lord Arundel of Wardour, to be lord chancellor of England; the Lord Powis, lord-treasurer; Sir William Godolphin, lord-privy seal; Mr. Edward Coleman, secretary of state; Lord Bellasis, general of the army; Lord Petre, lieutenant-general; Sir Francis Ratcliff, major-general; Mr. John Lambert, adjutant general; Mr. Langhorne, advocate general; &c. who had all commissions sent them, ready sealed by Paulus de Oliva, from the court of Rome. Besides these and other inferior conspirators to be mentioned afterwards, the queen and the duke of York were said to be concerned, but not so positively as the rest.

Next they tell us the means whereby they resolved to accomplish this vast undertaking, which were as follows:—1. By killing the king, finding they could not work him to their designs; and therefore, to remove him, they formed several distinct plots, all to be kept unknown to each other: as first, Grove and Pickering to shoot him; secondly, Conyers and Anderton, Benedictine monks, and four Irish ruffians, to stab him; and thirdly, Sir George Wakeman, the queen's physician, to poison him; for which purpose five thousand pounds were entered in their books, as paid to him in part of fifteen thousand pounds reward, when he had finished the work.* As for the duke of York, they concluded to make use of his name and interest, if he would comply with these conditions: first, to accept of the three kingdoms as a gift from the pope, and hold them in fee of him, and confirm their settlement of the church and state; next, if he would extirminate all protestants; and lastly, if

* The continuator of Baker's History observes, "It was a strange thing that but *twenty* guineas a piece should be given men to stab the king; and that Sir George Wakeman was to have *fifteen thousand* pounds for killing him in a *much easier way*. His commissions too (continues the writer) seemed very ill distributed. Lord Bellasis was perpetually ill of the gout. Lord Petre had never had any military command. Sir Francis Ratcliffe was a man who lived at his ease upon a great fortune in the north of England, and had never stirred from home all that summer. It was very strange too to see a rump-officer, like general Lambert, receiving his commission from the pope. But besides, that person through his long imprisonment was become a child, and had lost his memory and sense. These things might reasonably have shocked people's faith in Oates's discovery; but men were now in a fit of believing, so that all he said was greedily swallowed."

he would pardon the murderers of his brother, the murderers of the people, and those who should fire the remaining part of the city and suburbs. 2. For that was the second particular of their work, to fire London and Westminster, and the adjacent places; as also other the chief cities and towns in England, immediately on the killing of his Majesty; and then lay the whole load, both of the murder and firing, on the presbyterians and fanatics, thereby provoking the episcopal men to join with them to cut them off; that so, protestants being weakened by their own feuds, they might have the better opportunities and easier tasks to subdue them all. 3. By a general massacre, to which purpose they are said to have formed an army, consisting of fifty thousand men, to be enlisted about London, the officers all resolute papists, and, for the most part, French and Irish: these, they gave out *were enough to cut the throats of one hundred thousand protestants*; especially being taken upon a surprise, when the militia of London were unprovided and undisciplined, and the country generally disarmed as aforesaid. And, besides, the conspirators had of the French ten thousand soldiers from Flanders, and thirty thousand *pilgrims and lay-brothers*, daily expected from *Spain*, to assist them. 4. In Ireland, the pope had made Talbot, the titular archbishop of Dublin, his legate, to take possession for him of that kingdom; whose brother was to be general of all the forces there, consisting of seventy thousand papists, besides the French auxiliaries. There it was to be carried on by a general rebellion and massacre of the Protestants, as in 1641, which they called *demonstrating of their zeal for the catholic faith*. Four jesuits had undertook first to assassinate the duke of Ormond; and the better to carry on the whole, the pope was to contribute eight hundred thousand crowns, and the French had privately sent over some supplies of men and arms, and were to furnish them with more as soon as they should be in action; Le Chaise having a great influence in promoting all these transactions. 5. Moreover, in Scotland particular care was taken to foment discontents, and raise a rebellion; to which end they at proper times sent over several jesuits, to mingle themselves if they could with the dissenters, so as they might preach in their field-meetings, and inflame them to take arms to vindicate their religion and liberty against the supposed invaders of both; and which they were to aggravate, as well as the complaints against episcopacy; and for their encouragement, the papists there were to raise eight thousand men to join with such dissenters, lest they should be too weak to oppose the government; by which they should have the advantage of a double stroke, make a wide difference between protestants, and cast the old odium

of rebellion upon the presbyterians, if it should not, or destroy the government, if it should succeed.

Such, continues the historian, was the sum and substance of this formidable plot, of which all these, with many other particulars, were formally and solemnly given in upon oath; not at once, or altogether, but at several times, and by several parcels, and likewise by several persons, who seemed to start up exactly as the stories met with credit and encouragement, and by their *oaths* and *narratives* for a while bore down all opposition. And yet, after the strictest and coolest examinations, and after a full length of time, the government could find very little foundation to support so vast a fabric, besides downright swearing and assurance; not a gun, sword, nor dagger, not a flask of powder, or a dark lanthorn, to effect this strange villainy; and, excepting Coleman's writings, not *one* snip of an original letter, or commission, among those great numbers alleged to uphold the reputation of the discoverers.* But still the generality of the nation, and the parliament in particular, were at this time more than usually prepared and disposed to receive and believe such extraordinary stories; especially, the house of commons had been much agitated and heated of late by the just jealousies of the power of France, and the growth of popery; of both which they had too much reason to be apprehensive. The latter had so much effect upon them, that about three months before, it diverted their designs with re-

* Upon the substance of this atrocious and incongruous plot, Hume makes the following remarks:—"That the Roman pontiff could hope to assume the sovereignty of these kingdoms—a project, which, even during the darkness of the eleventh and twelfth centuries, would have appeared chimerical: that he should delegate this authority to the jesuits, that order in the Romish church which was most hated; that a massacre could be attempted of the protestants, who surpassed the catholics a hundred fold, and were invested with the whole authority of the state; that the king himself was to be assassinated, and even the duke, the only support of the party: these were such absurdities as no human testimony was sufficient to prove, much less the evidence of one man, who was noted for infamy, and who could not keep himself every moment from falling into the grossest inconsistencies. Did such intelligence deserve even so much attention as to be refuted, it would appear, that Coleman's letters were sufficient alone *to destroy all its credit*. For how could so long a train of correspondence be carried on by a man so much trusted by the party, and yet no traces of insurrections, if really intended, of fires, massacres, assassinations, invasions, be ever discovered in any single passage in all these letters? But all such reflections, and many more equally obvious, were vainly employed against that general prepossession, with which the nation was seized. Oates's plot and Coleman's were universally confounded; and the evidence of the latter being unquestionable, the belief of the former, aided by the passions of hatred and of terror, took possession of the whole people." It should be here observed, that the plot stated to be contained in Coleman's letters extended only to a desire of gaining *toleration* for the catholics, by the aid of the court and the assistance of money from the French king.

lation to the former; and, in a conference with the lords, they vehemently complained "of the restless endeavours of the popish priests and jesuits, and of the great difficulties they found both in the conviction and the punishment of all popish recusants." This, and their great zeal for the king's person, made them susceptible of any new impressions, and ready to take fire more from the *horror* than the *probability* of the fact; and in these matters there wanted not *incendiaries* in both houses, who knew how to take the greatest advantages from the least discoveries; of whom none was more quick sighted, or more desperately disposed, than the earl of Shaftesbury, whose resentments and resolutions had been blown up to the height: and if, as probably, he was not the original contriver, he was the grand refiner and improver of all the materials; and so much he seemed to acknowledge to a nobleman of his acquaintance, when he said, "I will not say who started the game, but I am sure I had the full hunting of it."*

But, to proceed more gradually to lay open the beginning and progress of this mysterious plot, we are first

* That Shaftesbury was the contriver and inventor of this horrid and diabolical plot can no longer remain matter of suspicion to those who have read the following passage in Sir John Dalrymple's Memoirs:—"Shaftesbury," says this writer, "who knew well the power of popular rumours, at times when popular passions are in ferment, framed the fiction of the popish plot in the year 1678, in order to bring the duke, and, perhaps, the king, under the weight of the *national fear and hatred of popery*."—(Vol. i. p. 43, 44.) And he farther observes, in a note on this passage, "It has been much doubted whether Shaftesbury contrived the popish plot, or if he only made use of it, after it broke out. Some papers I have seen convince me *he contrived it*, though the persons *he made use of as informers ran beyond their instructions*. The common objection (he continues) to the supposition of his contriving the plot, is *the absurdity of its circumstances*. When Shaftesbury himself was pressed with regard to that absurdity, he made an answer, which shews equally the irregularity and the depth of his genius. An account of it is in North's Examen, p. 95. A certain lord of his confidence in parliament once asked him what he intended to do with the plot, which was so full of nonsense as would scarcely go down with *tantum non* idiots; what then could he propose by pressing the belief of it upon men of common sense, and especially in parliament? It is no matter, he replied, the more nonsensical the better; if we cannot bring them to swallow worse nonsense than that, we shall never do any good with them."—"Void of all honour in politics," observes this author, *ibid.* p. 45, "Shaftesbury coined rumours as they fitted his purpose, and had men of his party ready who could repeat, and men who could write, them, so as to make them circulate through every part of the kingdom. Void of all feeling, he confirmed his inventions by public trials, and, without remorse, *saw persons led to death for charges which himself had contrived*; engaging thus even the passions of horror and amazement in the public, to make things credible, which, without these, could not have been believed."—Shaftesbury was undoubtedly a man of the most stupendous and consummate abilities; but, "well acquainted with the blind attachment of party, he (says Hume) surmounted all sense of shame, and, relying on the subtlety of his contrivance, he was not startled with enterprises the most hazardous and most criminal."

to take notice of the main discoverers, or rather projectors of it. Beginning with the famous Titus Oates, who was thought so meritorious by some as to be called the *Saviour of the Nation*; as to his family, he was the son of a ribbon-weaver, who afterwards turning anabaptist preacher, and being chaplain to a regiment of Cromwell's forces in Scotland, was there clapt up in prison upon Overton's plot against that usurper; but having the good fortune to escape upon the king's restoration, he conformed to the church, and got the living of Hastings, in Sussex; where he continued till he thought fit to return again to his former anabaptistical station. This son of his had his first education in Merchant-Tailor's school, in London, and next in the university of Cambridge, where he was student in two colleges, Caius and St. John's, and where he left no reputation behind him for his parts or learning; though he seemed distinguished for a tenacious memory, a plodding industry, and an unparalleled assurance, besides a particular canting way that appeared in his academical exercises. Removing from thence, he slipped into orders, and for a while officiated as curate to his father: after which, he enjoyed a small vicarage in Kent, from whence he removed to another in Sussex, and after that for some time got into the duke of Norfolk's family, when he particularly sided with the socinians at London; so that he became very uncertain as to his principles and religion, and *infamous as to his morals*.

In the last year, 1677, being abandoned and destitute of common necessities, he fell into the acquaintance of Dr. Ezrael Tonge, a city divine, a man of letters, and a prolific head filled with all the romish plots and conspiracies since the reformation. This man was remarkable for his parts and great reading, but of a restless and humourous temper, full of variety of projects, and scarce ever without a pen in his hand and a plot in his head. At first, he seemed to entertain Oates out of charity, who then went by the name of Ambrose; and complaining he knew not where to get bread, the doctor took him to his house, gave him cloaths, lodging, and diet, and told him *he would put him in a way*. After which, finding him a bold undertaker, he persuaded him to insinuate himself among the papists, and get particular acquaintance with them; which being effected, he let him understand, "that there *had been* several plots in England to bring in popery, and if he would go beyond sea among the jesuits, and strictly observe their ways, *it was possible there might be one at present*; and if he could make that out, *it would be his preferment for ever*; but, however, if he could get their names, and some informations from the papists, it would be *very easy to rouse people with the fears of popery*."

Thus instructed and qualified, Oates formally reconciled

himself to the church of Rome, and further, as was said, entered into the society of the jesuits;* and, in the month of April or May, 1677, he took shipping, and went to Valladolid, in Spain; in which kingdom he continued about half a year, and so returned to England. But, not having made sufficient discoveries in his journey, after a months' stay, he went, or was rather sent, over to St. Omer's, the famous English seminary, where, though nearly thirty years of age, he was entered among the younger students, and where he continued about six or seven months. In the latter end of June this year, (1678,) full freighted with materials of names, places, &c. he returned to London, to his friend and assistant, Dr. Tonge. After some thought and consideration, they resolved to draw up *a narrative of a horrid plot, &c.*; and, under the pretence of secrecy, or perhaps to increase the mystery, they went over the river, and lodged at Fox-Hall, at one Lambert's, a bell founder; which house was afterwards called the *plot-house*. Here Oates's, or rather Tonge's, narrative was written, first in Greek characters, and then in English, but often varied and changed; but at last they agreed upon one that should be authentic and immutable, then consisting of forty-three distinct articles, with great shew of exactness and formality. This was about half of what was afterwards called Oates's narrative, and was in the nature and form of *depositions*, but without any deponent's name at present. This was to open the whole scene, and the substance is as follows:

"That in April, 1677, the said deponent was employed by Strange, the then provincial, Fenwick, Harcourt, and other jesuits in London, to carry their letters to one father Suinam, an Irish jesuit, at Madrid, in Spain. That in his journey he broke open the said letters, and found therein an account given of what jesuits they had sent into Scotland to encourage the presbyterians to rebel; and that they feared not success in their designs, by reason of the king being so addicted to his pleasures, and their interest in the duke of York, &c.; that he saw several students sent out of England to Valladolid, who were obliged by the jesuits of the college to renounce their allegiance to his majesty of Great Britain; and that one Armstrong, in a sermon to the students there, did, with most false and black-mouthed scandal, defame his said majesty, using such irreverent base expressions, as no good subject could repeat without horror, with several other traitorous words and correspondencies which he there disco-

* When Dr. Burnet asked him in private what arguments the jesuits had used for his conversion to the roman catholic religion, he laid his hands upon his breast, saying, "God and his holy angels know I never changed, but went among them on purpose to betray them." He spoke with great passion against the society, and said he would have their blood.
Note in Smollett,

vered. Being returned to England, where he made further discoveries, about the beginning of December, the said deponent was sent with another treasonable letter, written by Strange, and several other jesuits, to St. Omer's, wherein was expressly mentioned their design to stab, or otherwise to poison, the king; and that they had received ten thousand pounds from Le Chaise, which was in the hands of one Worsley, a goldsmith in London; there was likewise inclosed a letter of thanks to Le Chaise, which the deponent carried to him from St. Omer's to Paris. During this his journey, and being abroad, he saw and read many other of their letters, all tending to the same end, of cutting off the king, subverting the present government of England, and restoring the Romish religion; and they were so confident as in some of them to say, that his majesty of England was so possessed of their fidelity, that if any malcontent amongst them should not prove true, but offer to discover, he would never believe them. But one of the principal things he tells us in this narrative was, that in April 1678, he came over from St. Omer's, with other jesuits, to the grand consult, which was held the 24th of that month, by about fifty jesuits, at the White Horse tavern in the Strand, where they met and plotted their designs for their society; from whence they dispersed into several little clubs, five or six in a company, where they signed a resolve for the death of the king, with the manner how it was to be done; which the deponent, as a messenger, carried from one company to another to be signed. Very shortly after he returned to St. Omer's, and towards the end of June came back to England, where he soon became privy to the treaty with Wakeman to poison, and honest William and Pickering to shoot, the king; and that he heard Keins, a jesuit, preach a sermon to twelve persons of quality in disguise; wherein he asserted, that protestants, and other heretical princes, were *ipso facto* deposed, because such, and that it was as lawful to destroy them as an Oliver Cromwell, or any other usurper, &c." Besides these new discoveries, he tells us that he learned several other remarkable particulars from them; as "that the late wars, and many other mischiefs, were brought about by them, but more particularly the dreadful fire in sixty-six, which was principally managed by Strange the provincial; in which their society employed eighty, or eighty-six men, he could not tell which, and spent seven hundred fire-balls; and, over and above all their vast expences, they were fourteen thousand pounds gainers by the plunder; amongst which was a box of jewels, consisting of a thousand carraets of diamonds. He further learned, that the fire in Southwark, in the year 1676, was brought about by the like means; and though in that they were at the expence of a thousand pounds, they made a shift to get two thousand clear into their own

pockets." These and many other strange particulars, observes Echard, are to be found in this tedious narrative, which sure could never have met with such credit, and produced such wonderful effects in the nation, had it been broached in any other time, or had it not been kept alive by extraordinary supporters, and uncommon accidents.

Tonge and Oates being thus charged and prepared, on the 12th of August, 1768, they began to put the whole in execution; and the former applied himself with all secrecy to one Mr. Christopher Kirkby, a person who had some interest at court, shewed him the forty-three articles, drawn up in writing; and, after a full assurance of fidelity, requested him, that with the utmost caution he would make the same known to the king. Kirkby freely undertook the matter, but could not get an opportunity of seeing his majesty, but in company with his brother, till the next morning; at which time, in the park, he privately acquainted his majesty, that his enemies had a design against his life, and humbly desired him to be very careful; for he did not know but he might be in danger in that very walk. The king, more surprised with the strangeness of the news than any apprehension of the danger, only asked how that could be? To which the other answered, that it might be by being shot at; but to give a particular account required privacy. Hereupon the king ordered him to attend his return out of the park; and then taking him aside, laid his commands on him, to tell him what he knew; who acquainted him, that there were two men, called honest William and Pickering, who watched an opportunity to shoot his majesty; and that Sir George Wakeman was hired to poison him, as he had been the day before acquainted by a friend, who had a more full account thereof in writing, and was near at hand, ready to appear when commanded; which his majesty was pleased should be about eight o'clock that evening. Accordingly, Mr. Kirkby and Dr. Tonge did, at that hour, attend his majesty; and in the red room at White-hall, delivered to him the aforesaid forty-three articles, copied out by the doctor's hand; and both of them humbly begged that those papers might be kept safe and secret, lest the full discovery should otherwise be prevented, and their own lives endangered. His majesty, looking upon them, was pleased to answer, that, being to go with the court next morning to Windsor, he would safely deposit the said papers in the hands of one he could intrust, and with whom he would answer for their safety: and so ordered them to wait upon the lord-treasurer Danby the next morning.

Accordingly, on the 14th of August, they both appeared before the lord-treasurer, who desired Mr. Kirby to withdraw while he spoke with the doctor; who told his lordship, that he had delivered some papers of great concern-

ment to the king; that his majesty had looked superficially over them, but being to go out of town, had left them with his lordship. Whereupon the earl shewed the papers to the doctor, and asked whether they *were originals*? He told him, they were *copies* of his own writing. Then he desired to know *who was the author*, and where were the originals? His answer was, *he did not know the author, for the originals, then in his custody, had been thrust under the door of his chamber, but he did not know by whom; only he fancied it must be one that had some time before held discourse with him, tending to such like matters.* He last of all asked if he knew where to find the man? He said *no*, but he had seen him lately two or three times in the streets, *and it was likely not to be long before he should meet him again*; so nicely *cautious* was the doctor in all his steps and proceedings. About *three or four days after* he brought *more* written informations to the earl, and the doctor told his lordship, that he had since met the man; that it proved to be as he had guessed; that he owned himself to be the author, and had given him another paper of the like kind, numbered into heads as the first was, *but desired not to have his name known to any body but the doctor, because the papists would murder him if he knew what he was doing.** Upon this the earl asked him directly whether he knew those men, who were called honest William and Pickering, who were named in those papers as men designed to

* If this conversation, as related by the historian, be correct, it tends strongly to confirm now the universally-believed opinion, that the plot was a fiction, contrived on purpose to ruin the catholics in the kingdom, and to inflame the popular fury against popery. The lord treasurer questions Tonge as to the originals, which the latter affirm were thrust under the door of his chamber, but he knew not by whom, only *he fancied* it must be by one who had held a discourse with him on the subject some time before.—That he did not know where this person lived; but that it was probable he should see him again very soon. Now is it sikelly that a matter of such great concern would be brought to light under such glaringly suspicious circumstances. How came it that Tonge, when he found these papers to contain such important discoveries did not instantly carry the originals to the king, instead of employing his time to take copies of them, and sending Kirkby two days previous to acquaint his majesty of the conspiracy, which he stated to be so completely prepared, tha he did not know but the king's life was then in danger. How came it too, that Tonge did not immediately search after the person to whom *he fancied* he was indebted for the account of the conspiracy, to corroborate the narrative? And how came it that the lord treasurer did not desire to see the person, after Tonge informed that nobleman he had met with him; but suffered himself to be put off with the miserable subterfuge that Tonge only was to be entrusted with the knowledge of his name, lest, forsooth, the papists should murder him, if he knew what he was doing. Tongue, it may be supposed, had no such fears, or, probably, he had *insured himself*.—Would such preposterous and negligent conduct in a minister be tolerated at this day?

assassinate the king. He answered, that they used to walk frequently in St. James's park; and, if any man was appointed to keep him company, it was ten to one but he should have an opportunity of letting that person see one or both of them in a little time. Lastly, he demanded of the doctor, if he knew where they lived? for it would be necessary to secure those men forthwith. He replied, he knew not at that time, but he would inform himself, *and let his lordship know very speedily.*

Hereupon his lordship went immediately to Windsor, and acquainted the king, that Dr. Tonge had been with him, according to his majesty's directions; and, shewing his majesty the additional paper, he informed him of all that was passed, and that he had left a servant at London, to get a sight of honest William and Pickering, in order to the apprehending of them, *if his majesty thought fit*; at the same time his lordship desired the king, that one of the secretaries might send a warrant for the apprehending them; and that, the matter being of such danger to his majesty's person, some more of the counsel might be acquainted with it. *But the king would neither suffer the men to be apprehended, until he were more informed of the design, nor would he permit the earl to speak one word of it to any man living*; and particularly cautioned him against the duke of York's coming to the knowledge of it: but only said, *he would be very careful of himself till he heard more.* Soon after, the earl went from Windsor to his house at Wimbleton, not far off, leaving direct orders, that, if Dr. Tonge had any thing more to say to him of that matter, he should come to him thither: or else send away that very gentleman the Earl had left to stay with him, to see the men, and learn their lodgings; and to be diligent in bringing any intelligence which required haste. Accordingly that gentleman did go from London to Wimbleton every day, and back to the doctor's house at night; and did sometimes bring additional papers to the former, and brought information of the dwellings of honest William and Pickering, and brought word also from the doctor, that he said he should be able to give his lordship certain notice before hand, when any of them were to go to Windsor, of all which the earl gave from time to time an exact account to his majesty.

Among other informations, the doctor went one night to Wimbleton himself, and told the earl, "that some of the intended assassins were to go the next morning to Windsor, but that he could order it so, that the earl's gentleman should go in the same coach with them; or, if the coach should be full, he might go on horse-back in their company, and watch them so as to give notice of their arrival; and

take them more conveniently that way upon the place, where they would not be able to give an account what they had to do there." Upon this particular information, the earl ordered his gentleman to observe the doctor's directions, and went immediately himself to Windsor, where he acquainted his majesty with the whole matter, and order was taken for seizing these men at their arrival at Windsor: but instead of that, the gentleman brought word from Dr. Tonge, "that something had prevented their going that day; but that they intended their journey the day following, or within two day sat farthest:" but then also news was brought, that they were again prevented by one of their horses being slipt in the shoulder, or some such accident. Upon these trifling ways and pretences, the king, who before would not give much credit to it, looked upon all as mere sham and fiction; and, notwithstanding all that the earl could urge to get the business communicated to others, besides himself, the king was more positive not to permit it, saying, he should alarm all England, and put thoughts of killing him into people's heads, who had no such thoughts before.

The matter having for a while rested here, and the earl done all that lay in his power, he got leave of his majesty to go half a day's journey into Oxfordshire, upon particular business; and left order at Wimbleton to have any thing dispatched to him, that should come from Dr. Tonge; accordingly, three days after, the earl was disturbed with another letter from the doctor to himself, giving account of new matters, particular of a packet of letters from some jesuits concerned, which were to go to the post-house, in Windsor, directed to one Mr. Bedingfield, a priest. Upon this notice, the earl immediately returned to Windsor, and informed his majesty, shewing him the doctor's letter. It happened that the king was no stranger to it, who said that such a packet had been delivered some few hours before by the said Bedingfield to the duke of York: and Bedingfield told the duke, he feared some ill was intended him by the said packet, because the letters therein seemed to be of a dangerous nature, and that *he was sure they were not the hand writing of the persons whose names were subscribed to the letters.* These letters appeared with such *marks of forgery*, that they still begot less belief in the king that there was any real plot, insomuch that he seemed resolved not to permit the Earl to produce those papers, and intelligence he had received from Dr. Tonge; till his royal highness the duke shewed himself very earnest to have the truth of those letters examined, which Mr. Bedingfield had brought to him. By which means the earl got leave at the same time to produce the said papers and letters in the council; so that in a

little time all became public, which the king was desirous to have had concealed, and totally neglected.* But before this was effected, Tonge and Kirkby had supplied the king and the Earl with fresh importunities, and new circumstances of discovery, but with *so cold a reception*, that they made it their endeavours to *keep up the cause by other means*, and so transfer it to the parliament, where it could not fail of a hearty welcome among such a variety of humours and inclinations. *In order to which*, on the 6th of September, Tonge and Oates applied themselves to sir Edmund-bury Godfrey, a considerable justice of the peace in St. Martin's parish, who was earnestly pressed, and *with difficulty prevailed upon*, to swear Oates to the before-mentioned narrative. *This was done without the justice being permitted to read the particulars*: only he was assured in general, that it contained matters of treason, and other high crimes; and Dr. Tonge particular deposed upon oath, that the same had been made known to the king. Not long after, the king and court moved from Windsor to Whitehall, where, chiefly by means of the duke of York, the aforesaid letters and papers were laid before the privy council: the *strangeness of the stories*, and the *fear of the king's person*, made no small impressions upon men *so loyal and affectionate*, and therefore they resolved to examine into the bottom of this mysterious matter. Accordingly, on the 27th of September, *above six weeks after the matter had been opened to the king and the treasurer*, Dr. Tonge was sent for to go to the council, who went thither together with Kirkby; but the council was risen before they came, and orders were given them to attend next day. Whereupon they resolved early in the morning to get *two more copies* of the narrative sworn to, that *each man* might have an authentic copy; which accordingly they did before the same justice, Sir Edmundbury Godfrey, with *fresh and further informations*, which completed the narrative, as it was afterwards published in print. Leaving a copy there, they attended the council, who, after some examinations of the de-

* "The king (says Hume) was anxious to keep the question of the popish plot from the parliament; where, he suspected, many designing people would very much abuse the *credulity* of the nation; but Danby, who *hated the Catholics*, and *courted popularity*, and, perhaps, hoped that the king, *if his life was believed to be in danger from the jesuits*, would be more cordially *loved by the nation*, had entertained opposite designs, and the very first day of the session he opened the matter in the house of peers. The king was extremely displeased with this temerity, and told his minister, though you do not believe it, you will find, that you have given the parliament a handle to ruin yourself, as well as to disturb all my affairs, you will surely live to repent it.—Danby, (observes the historian) had afterwards sufficient reason to applaud the sagacity of his master."

positions, sent for Mr. Oates, and presently ordered both him and Dr. Tonge lodgings in Whitehall, and guards for their security, and soon after they had a bountiful weekly salary for their subsistence.

And now the privy council sat twice a day. From Saturday, the 28th of September, for a week and more, when all persons were gradually alarmed with a thousand dark and confused imaginations. Oates, after a long examination, now appeared to be the chief discoverer of the plot, and was the first night employed with a guard to search after some priests and jesuits, to secure their persons, and seize their papers; and thus he was busily employed for two or three days together, and so busily employed, that the fatigue afterwards served as a plausible pretence for *the defects of his memory, the alterations of, and the additions to his stories** he had given in, upon oath, before the privy council. By his thorough swearing he soon made himself formidable to the whole body of the roman catholics; and by his means many persons were taken up and secured, as sir George Wakeman, physician to the queen, Mr. Edward Coleman, Mr. Richard Langhorne, Thomas Whitebread, John Gawen, Anthony Turner, William Ireland, William Marshall, William Ramsey, James Corker, and Thomas Pickering; of which number, the eight last were roman priests and jesuits, with divers others. What gave the greatest credit to Oates's testimony, were Mr. Coleman's letters and papers, which, though imperfect, and entirely remote from the murder of the king, were now the chief supporters of the belief of the reality of the plot. These were found to be authentic and undeniable; while the five letters to Mr. Bedingfield were, by discerning men, looked upon as nothing. But, in the midst of this heat and disturbance, after four days of examination of testimonies, and several persons accused, on the 2d of October, the king *suddenly* went to Newmarket, there to *divert himself a few days*, while his Privy Council were

* Hume says that Oates, "when examined before the council, betrayed his impostures in such a manner, as would have utterly discredited the most consistent story, and the most reputable evidence. While in Spain, he had been carried, he said, to don John, who promised great assistance to the execution of the catholic designs. The king asked him what sort of man don John was; he answered, a tall lean man; directly contrary to truth, as the king well knew. He totally mistook the situation of the jesuits' college at Paris. Though he pretended great intimacies with Coleman, he knew him not, when placed very near him; and he had no other excuse than that his eye-sight was bad in candle light. He fell into the like mistakes with regard to Wakeman. Notwithstanding these objections, (says the historian) great attention was paid to Oates's evidence, and the plot became very soon the subject of conversation, and even the object of terror to the people."

earnestly employed in a matter in which he desired to have little or no concern or employment.*

CHAPTER II.

Murder of Sir Edmundbury Godfrey—Evidence given before the Commons concerning the fears of the deceased—It is made part of the Plot—Proclamations issued for the discovery of the Perpetrators—Parliament meets—The King uneasy about the Plot—The Lord Treasurer brings it into Parliament against the King's consent—The King confirmed in the disbelief of it by an accident—Diligence of the Commons—Address of both Houses—Oates examined by the Commons—Their Resolution—Sir E. Godfrey's funeral—Proclamations against Papists—Bedloe makes his appearance as an evidence—His Character—He is examined before the King—and by the Lords—His discoveries—Proceedings in the Commons—Test Act passed—Observations thereon.

THOUGH the rumour of a hellish plot and conspiracy, especially against the person of the king, had very much inflamed the court and the people, yet, after a fortnight's consideration of it, with the nature and proofs, it began a little to cool, and was sinking in its credit, when an extraordinary accident happened that raised its reputation much higher than before, and threw all into rage and fury; and this was the surprising death of Sir Edmundbury Godfrey, the magistrate who had twice sworn Oates to the fore-mentioned narrative, a person, who then lay under great fears and apprehensions, but of what nature it is hard to say expressly. This melancholy gentleman went from his house in St. Martin's, on Saturday morning, the 12th day of October, and though he had been seen by several of his acquaintance that day, yet he was missing for four whole days, till Thursday, the 17th, he was found towards the evening in a ditch, with his own sword through his body, at or near a place called Primrose-hill, in the midway between London and Hampstead, with money in his pockets, and rings on his fingers, with his cane and gloves by him. The coroner's inquest sat upon the body, but meeting with some difficulties, adjourned to the day following, when they gave their verdict—"That he was murdered by certain persons un-

* From this circumstance we may naturally conclude that the king was fully sensible that the whole of this formidable plot was a *state trick*, entered into for the worst and basest of purposes, and which it has before been shewn he had endeavoured to smother in its birth without effect. The next chapter will disclose how well versed the principal actors of this villainous scene were in the parts allotted to them.

known to the juror's, and that his death proceeded from suffocation and strangling, by a certain piece of linen cloth of no value, &c."

Within a day after this unfortunate gentleman was missing, the town began to be filled with whispers and conjectures, and little odd reports; but when the body was found, and the nature of the murder declared by the jury, the people were in a sort of consternation, and were presently made to believe, what afterwards was positively sworn, that he was murdered by the papists. Some passages or presages were presently remembered concerning this gentleman's fears, of which two ought here to be mentioned, as being soon after given in to the House of Commons, by way of information. The first was that of Mr. Mulys, who declared, "That about five or six days before Sir Edmundbury Godfrey was missing from his house, I met him in St. James's park, and in discourse told him, that I understood he examined Mr. Oates about a plot that was much discoursed of, and desired to have such an account from him as might be fit to communicate: whereupon he gave me some short relation, agreing, for the most part, with what was the common discourse of the town. But I must not talk much, (said he) for I lie under ill circumstances; some great men blame me for not having done my duty, and I am threatened by others, and very great ones too, for having done too much. He then pressed to leave me, and without saying much we parted." The next account was given by one Mr. Robinson, who declared, 'That he met Sir Edmundbury Godfrey at the sessions at Westminster, on Tuesday and Wednesday before he was missing; and that he asked him whether he had any hand in taking the informations touching the plot; and that he made him answer, that he had taken them, though very unwillingly; and desiring of him that he might see them, he told him he could not, for he had left them with my Lord Chief Justice Scroggs; and that dining with him on Wednesday, and discoursing concerning the plot, and the examinations touching the same, he said these words:—"I have taken them, and I know not what will be the consequence of them; but I believe I shall be the first martyr." Some have interpreted these and the like presaging words, as only signifying his fears of being called to an account for a misprision, or neglect, by the parliament that was to sit within a fortnight, he being well-known to some to be a favourer, rather than a persecutor of the papists. But his expressions, though not very clear in themselves, admitting of another interpretation, and more agreeable to the humour of the times, the murder was immediately charged upon the papists, and was made not only a part but the grand supporter of the credit of the plot; in-somuch that common question, in every man's mouth, of

Who murdered Sir Edmundbury Godfrey? was afterwards looked upon as a sufficient answer to all the difficult objections that could be raised against the belief of it. But we cannot fully lay open and clear the mystery of this great matter; but shall afterwards take notice of the contrivance and manner of it as it was sworn in court.*

* On the subject of this murder, Hume says, "There was danger however, *lest time might open the eyes of the public*; when the murder of Godfrey completed the general delusion, and rendered the prejudices of the nation absolutely incurable. This magistrate had been missing some days; and after much search and many surmises, his body was found lying in a ditch at Primrose-hill. The marks of strangling were thought to appear about his neck, and some contusions on his breast: his own sword was sticking in the body; but as no considerable quantity of blood ensued on drawing it, it was concluded, that it had been thrust in after his death, and that he had not killed himself. He had rings on his fingers, and money in his pocket. It was therefore inferred, that he had not fallen into the hands of robbers. *Without further reasoning*, the cry rose, that he had been *assassinated by the papists*, on account of his taking Oates's evidence. This clamour was quickly propagated, and met with universal belief. The panic spread itself on every side with infinite rapidity; and all men, astonished with fear, and animated with rage, saw in Godfrey's fate all the horrible designs ascribed to the catholics; and no farther doubt remained of Oates's veracity. The voice of the whole nation united against that hated sect; and, notwithstanding that the bloody conspiracy was supposed to be now discovered, men could scarce be persuaded that their lives were yet in safety. Each hour teemed with new rumours and surmises. Invasions from abroad, insurrections at home, even private murders and poisonings were apprehended. *To deny the reality of the plot was to be an accomplice; to hesitate was criminal.* Royalists, republicans; churchmen, sectary; courtier, patriot; all parties concurred in the illusion. The city prepared for its defence, as if the enemy were at its gates; the chains and posts were put up; and it was a noted saying of Sir Thomas Player, the chamberlain, that, were it not for these precautions, all the citizens might rise next morning with their throats cut. *In order to propagate the popular phrenzy*, (continues Hume) *several artifices were employed.* The dead body of Godfrey was carried into the city, attended by vast multitudes. It was publicly exposed in the street, and viewed by all ranks of men; and every one who saw it, went away inflamed, as well by mental contagion of sentiments, as by the dismal spectacle itself. The funeral pomp was celebrated with great parade. It was conducted through the chief streets of the city; seventy-two clergymen marched before; above a thousand persons of distinction followed after; and at the funeral sermon, two able-bodied divines mounted the pulpit, and stood on each side of the preacher, lest, in paying the last office to this unhappy magistrate, he should, before the whole people, be murdered by the papists. In this disposition of the nation, (adds the historian) reason could no more be heard than a whisper in the midst of the most violent hurricane. Even at present, Godfrey's murder cannot upon any system be rationally accounted for. That he was assassinated by the catholics, seems utterly improbable. These religionists could not be engaged to commit that crime from *policy*, in order to deter other magistrates from acting against them. Godfrey's fate was no wise capable of producing that effect, unless it was publicly known, that the catholics were his murderers; an opinion, which, it was easy to foresee, must prove the ruin of their

In the mean time the king returned from Newmarket, to meet his parliament at Westminster; and the very day before the sitting, Sunday the 20th of October, he published his proclamation, commanding all his officers and subjects to use their utmost diligence to discover the murderers of sir Edmundbury Godfrey; and particularly, "his majesty was graciously pleased to promise to any person or persons, who should make such discovery, whereby the said murderers, or any of them, should be apprehended, the sum of five hundred pounds, which should be immediately paid upon sufficient testimony that such persons or person were or was guilty of the said murder; and if any one of the murderers should discover the rest, whereby they, or any of them should be apprehended, such discoverer should not

party. Besides, how many magistrates, during more than a century, had acted in the most violent manner, without its being ever suspected that any one had been cut off by assassination? Such jealous times as the present were surely ill fitted for beginning these dangerous experiments; shall we therefore say, that the catholics were pushed on, not by policy, but by blind *revenge* against Godfrey? But Godfrey had given them little or no occasion of offence in taking Oates's evidence. His part was merely an act of form, belonging to his office; nor could he or any man in his station possibly refuse it. In the rest of his conduct, he lived on good terms with the catholics, and was far from distinguishing himself by his severity against that sect. It is even certain, that he had contracted an intimacy with Coleman, and took care to inform his friend of the danger to which, by reason of Oates's evidence, he was at present exposed. There are some writers, who, finding it impossible to account for Godfrey's murder by the machinations of the catholics, have recourse to the opposite supposition. They lay hold of that common presumption, that those commit the crime who reap profit by it; and they affirm that it was Shaftesbury and the heads of the popular party, who perpetrated that deed, in order to throw the odium of it on the papists. But if this supposition be received, it must also be admitted, that the whole plot was the contrivance of those politicians, and that Oates acted altogether under their direction. But it appears, that Oates, dreading probably the opposition of powerful enemies, had very anxiously acquitted the duke, Danby, Ormond, and all the ministry; persons who were certainly the most obnoxious to the popular leaders. Besides, the whole texture of the plot contains such low absurdity, that it is impossible to have been the invention of any man of sense or education. It is true, the more monstrous and horrible the conspiracy, the better was it fitted to terrify, and thence to convince the populace. But this effect, we may safely say, no one could beforehand have promised upon; and a fool was in this case more likely to succeed than a wise man. Had Shaftesbury laid the plan of a popish conspiracy, he had probably rendered it moderate, consistent, credible; and on that very account had never met with the prodigious success, with which Oates's tremendous fictions were attended. We must, therefore, be contented to remain for ever ignorant of the actors of Godfrey's murder; and only pronounce in general, that that event, in all likelihood, had no connexion, one way or other, with the popish plot. Any man, especially so active a magistrate as Godfrey, might, in such a city as London, have many enemies, of whom his friends and family had no suspicion. He was a melancholy man; and there is some reason, notwithstanding

only be pardoned his offence, but should in like manner receive the like reward of five hundred pounds." This not having any open effect, upon suggestion that there were people that would come in to discover the murder, if it were not for the danger of being murdered themselves in re-

all the pretended appearances to the contrary, to suspect that he fell by his own hands. The affair was never examined with tranquillity, or even common sense, during the time; and it is impossible for us, at this distance, certainly to account for it."—So far Hume, on this mysterious transaction, and from the arguments which he has drawn, we think there is the greatest reason to conclude that Godfrey was dispatched by the contrivers of the plot, for the very purposes which they subsequently turned it to; viz. to inflame and exasperate the minds of the people against the catholics. The reception which Tonge and Oates had met with from the king and ministers, was by no means such as they had been led to expect. Echard says, "that their *fresh importunities and new circumstances of discovery*, met with *so cold a reception*, that they made it their endeavours to keep up the cause *by other means*;" and Hume observes, that "there was danger, lest time might open the eyes of the public." We have shewn in a former note, page 12, that Shaftesbury was the inventor of the plot, that he was unprincipled enough for any thing, and that he saw men led to death for charges which himself had contrived; the characters of his abettors were of the same infamous cast; can it then be doubted that such remorseless wretches would scruple to take away the life of Godfrey, who could afterwards swear away the lives of innocent men, with the most cold blooded *sang-froid*? Besides, what necessity was there to go before a magistrate? The king was acquainted with the narrative, and as his life was said to be in imminent danger, surely he was the most competent person to judge of its merits, and not a common justice of the peace. When Lord Monteaigle received the mysterious letter concerning the gunpowder-plot, he did not go to a magistrate, but laid the letter immediately before the secretary of state. But here the discoverers, *three weeks* after the king had been informed of the plot, and when the terror which it had created was dying away, are found swearing to the truth of a narrative which had been disbelieved by the supreme head of the state, and not to one copy only, but to several, that each man might have one. These men then go before the council, who order several catholics, both of the clergy and laity to be arrested; and in the midst of this confusion we find the king going to Newmarket to *divert himself*, while the privy council are employed in a matter which was stated to concern his existence.—This act of the king was sufficient to prove the plot to be a villainous fabrication on the part of the actors in it, and it was consequently necessary to maintain the credit of it by some demonstrable case; accordingly, about a fortnight after the king's departure for Newmarket, Sir Edmundbury Godfrey is discovered murdered, under most artfully perplexed circumstances. The murderers, as it was intended, were not to be found; rumours were put in circulation that the papists had done the deed out of revenge, when it is most probable they were ignorant at the time that Godfrey had sworn Oates; it is, however, believed by the credulous and panic-struck people; and we afterwards find Oates swearing the atrocious act upon the catholics. Let any candid man coolly examine these facts, and compare the circumstances and dates as related by Echard and other protestant historians, and there is no doubt but he will pronounce the murder of Godfrey to have been a premeditated prelude to the wicked scenes which followed, and was perpetrated by those wretches who bore so conspicuous a part in this disgraceful and sanguinary tragedy.

venge, his majesty was pleased to publish a second proclamation four days after, in which he signified, and on the word of a king promised, "That if any person should speedily make such discovery to one of his principal secretaries of state, he should not only receive the five hundred pounds and pardon promised by his late proclamation, but his majesty would take such effectual courses for the security of such discoverer, as he should in reason propose." This encouragement did not only produce discoverers of the murder, but likewise new discoverers of the plot, both which in a little time fell gradually into a perfect union and coalition.*

While the nation was in this ferment, the parliament met according to prorogation, on the 21st of October, in the same year. The king was under considerable difficulties and perplexities upon the account of the plot, which he had reason to fear would much increase the former heats of his parliament, and retard his main business; and therefore he had in vain endeavoured to divert the mischief by sending over more troops into Flanders to join with Holland, and continue the war against France; and now he took care that what related to that matter in his own, and the chancellor's speech, should be delivered with the utmost caution, and with a plain intimation that the laws, and not the house of parliament, were to decide it; and farther, to prevent their meddling, he gave express commands to his prime minister, the lord treasurer Danby, not to make any discoveries to the parliament. But that lord, perhaps expecting that the horror of the thing might rouse the affection of the commons, and make them in a more giving temper, or perhaps to ingratiate himself where he had many desperate enemies, thought fit, the first day, to bring Oates's informations before their house: upon this the king was very much provoked, and told him plainly, that though you do not believe it, you shall find that you have given the parliament a handle to ruin yourself, as well as to disturb all my affairs; and that you will live to repent it. This he found to be true, and made him afterwards acknowledge, that he had lived to find kings to be true prophets as well as kings; having seen many villainous designs acted under the cover of the popish plot. To finish and make an end of the envied state of this great minister, soon after the duchess of Portsmouth and the earl of Sunderland, joined with the earl of Shaftsbury and the duke of Monmouth, in the design of his ruin; and though the king thought fit afterwards to protect him, by a pardon from the

* "Thus (says Hume) were indemnity, money, and security offered to the fairest bidder: and no one needed to fear, during the present fury of the people, that his evidence would undergo too severe a scrutiny."

commons' impeachment, yet this appeared more to screen his own, than to preserve his minister's reputation; and he seemed never after to have any great favour or affection for this great and active statesman.

The king, whose inclinations were more to popery than any other religion, had almost from the beginning looked upon the plot-discoverers as little better than impostors; but soon after the beginning of this session of parliament, he was more fully confirmed in it by an accident and passage not hitherto published; but was related by the king himself to a person of full credit, who communicated it to the author of this history. The substance of the story was, that as soon as Oates was by the parliament esteemed the prime discoverer of this plot, his reputation in the height, and all persons inflamed with the horror of it, about twenty eminent rich citizens, entire believers of the whole, met at a great supper in the city, to which they invited Dr. Tonge, Mr. Oates, and another noted divine, who had been often favoured with the king's private conversation. These three were handsomely entertained, and particularly caressed by the rest of the company; but their highest and distinguished compliments were paid to Mr. Oates, and with such a seeming derogation to the honour of Dr. Tonge, who valued himself and his abilities as much as any man, that there arose a verbal quarrel between these two confederates, which came to that height, that the doctor plainly told Oates, that he knew nothing of the plot but what he learnt from him. These dangerous words disturbed and confounded the whole company, and had such an effect upon one of them, who was thought to be a spy, that the very next morning he went to the king, and told him the whole passage and transaction. Upon which, his majesty immediately sent for the forementioned divine, in whom he had a good confidence; and opening the matter to him, he let him know that he expected to hear the particulars from him. But he made some excuses, and particularly alleged the badness of his memory; at which the king said, in a passion, "If you are good for any thing, it is for your memory;" and then let him know that he had heard sufficient of the matter already, but expected it all from him. But still he pretended not to remember it, or else gave so imperfect an account of it, that the king, incensed, at last spoke to this effect to him: "I find there is like to be a great deal of bloodshed about this plot; and the times are so troublesome and dangerous to me, that I durst not venture to pardon any that is condemned. Therefore their blood be upon your head, and not upon mine; and I desire to see you no more." And so he finally dismissed him his presence.

The king had so good an opinion of the papist's loyalty,

and so great a friendship for their persons, that had he never received this information, he could not easily have believed the common account of the plot, much less the assassinating part of it. Yet being alone with his friend, the lord Hallifax, he could not help expressing an uneasiness at the thought of the papists endeavouring to take away his life; therefore, by way of upbraiding them with ingratitude, or by way of arguing against the improbability of such a design, he said to his lordship, "Have not I been kind enough to them?" His lordship answered, "Yes, sir, too kind indeed." — "But granting that," said the king, "why then should they desire to take away my life?" — "O sir," replied the other, with his usual quickness, "they know you will only trot, and they want a prince that will gallop." This I had from an unquestionable hand. But to return to the parliament. The house of commons having received Oates's informations, they fell into a flame, and were so assiduously employed, that in the beginning of this session they sat whole days, from morning till late at night; chiefly enquiring into the plot, and the murder of sir Edmundbury Godfrey, and with so much secrecy, that the minutes and votes of the house were forbid to be divulged: the upper house seemed no less diligent; and the first business of both was to agree in the following address to his majesty, viz. "That information had been given of a horrible design against his sacred life, and being very sensible of the fatal consequences of such an attempt, and of the dangers of the subversion of the protestant religion and government of this realm, they humbly beseech his Majesty, that a solemn day of fasting and humiliation may be appointed to implore the mercy and protection of Almighty God to his majesty's royal person, and in him to all his loyal subjects; and to pray that God will bring to light more and more all secret machinations against his Majesty and the whole kingdom." All which was accordingly done by proclamation, dated the 25th of October, requiring that Wednesday, the 13th of November, should be kept for a general fast. Soon after, both houses again agreed in another address, "That having taken into their serious consideration the bloody and traitorous designs of popish recusants against his majesty's sacred person and government, and the protestant religion, they do for prevention thereof most humbly beseech his majesty to issue forth his royal proclamation, commanding all persons, being popish recusants, or so reputed, to depart from the cities of London and Westminster, and all other places within ten miles of the same, on or before the 7th of November next ensuing, under pain of his majesty's highest displeasure, and of the severest execution of the laws against them." To which his majesty complied, and sent out a proclamation to that ef-

fect, dated October 30. This being not thought sufficient, they proceeded to another in these words: "Whereas the safety and preservation of your majesty's sacred person is of so great a consequence and concernment to the protestant religion, and to all your subjects, we do most humbly beseech your majesty to command the lord chamberlain, and all other the officers of your majesty's household, to take a strict care no unknown or suspicious persons may have access near your majesty's person; and that your majesty will likewise please to command the lord mayor and lieutenancy of London to appoint sufficient guards of the trained bands, during this session of parliament; and likewise the lord-lieutenants of Middlesex and Surry, to appoint the like guards of trained bands, in Middlesex, Westminster, Southwark, and other places adjacent, as shall be thought necessary.

On the same day, October 24, Mr. Oates, now called Dr. Oates, was examined in the house of commons six or seven hours; at the end of which he was several times, and with great strictness, interrogated whether he knew any thing more of the plot, or any other persons concerned in it, than what he had already mentioned? He solemnly answered he did not; and about nine o'clock at night, the house sent for the lord chief-justice Scroggs, who took his examination upon oath, and in the house sealed twenty-six warrants against several lords and others that he had sworn against;* whereupon the five lords, namely, the lord Powis, the lord Stafford, the lord Arundel of Wardour, the lord Petre, and the lord Bellasis, and sir Henry Tichburn, baronet, were taken into custody, and shortly after committed to the Tower, and several others were sent prisoners to Newgate. But, notwithstanding Oates's solemn asseveration of his not knowing any more, he soon began so much to abound with new discoveries, that some began to suspect his veracity. Therefore to put an end to all such doubtings, on the 31st of October the commons resolved, *nemine contradicente*, "That, upon the evidence that has already appeared to this house, this house is of opinion that there is, and hath been, a damnable and hellish plot, contrived and carried on by popish

* "So vehement were the houses, (observes Hume) that they sat every day, forenoon and afternoon, on the subject of the plot: for no other business could be admitted. A committee of lords were appointed to examine prisoners and witnesses: *blank* warrants were put into their hands, for the commitment of such as should be accused or suspected. Oates, who, though his evidence were true, must, by his own confession, be regarded as *an infamous villain*, was by every one applauded, caressed, and called The Saviour of the Nation. He was recommended by the parliament to the king. He was lodged in Whitehall, protected by guards, and ENCOURAGED by a pension of TWELVE HUNDRED POUNDS a year."

recusants, for assassinating and murdering the king, for subverting the government, and rooting out and destroying the protestant religion." After which they ordered, "That this vote be communicated to the lords at a conference, and that the lords be desired to join with this house in providing remedies for the preservation of his majesty's person and government, and the protestant religion." This remarkable vote had a great effect in all places; and the very same day the people were strangely affected with the sight of the funeral of sir Edmundbury Godfrey. The solemnity proceeded from Bridewell to St. Martin's in the Fields, and the body was attended by seventy-two London divines, who went in procession before it, and above a thousand persons of quality, and considerable citizens, who followed after in the same order; all being completed by a memorable funeral sermon, preached by Dr. Lloyd, minister of the parish.

The next day there was a conference between the two houses upon the subject of the last vote of the commons; and this report was made, "The lords have considered the vote of the house of commons communicated to them at the conference, and have most readily and unanimously concurred with them in it, *nemine contradicente*; and their lordships are very glad to see that zeal which the commons have shewed upon this occasion, and do fully concur with them, that the most speedy and serious consideration of both houses are necessary for prevention of the imminent dangers: in order whereunto, their lordships have resolved to sit *de die in diem*, forenoon and afternoon, and desire that the house of commons will do the same, &c." At the same time, the king, finding the unanimity of both houses, and receiving a new address against the papists, acted as though he equally believed the danger, and issued out his proclamation, beginning with, "The lords and commons having taken into their serious consideration the bloody and traitorous designs of popish recusants against his majesty's sacred person and government, and the protestant religion, therefore he commanded them all, except settled house-keepers, that would not take the oaths of allegiance and supremacy, to depart the cities of London and Westminster, and all places within ten miles distance from the same." In pursuance of this proclamation, many papists, refusing these oaths, went out of town with great lamentations, leaving their trades and habitations; but, within a week or two, they generally returned again, and, being better satisfied by their leaders, ventured to take the aforesaid oaths.

One great danger of popery at this time, continues the historian, was the number of papists, and even of new converts, retained in his majesty's guards; and therefore, to remove the apprehensions of parliament, on the 2d of November his majes-

ty was pleased to declare in council, "That whosoever shall make discovery of any officer or soldier of his majesty's horse or foot-guards, who, having formerly taken the oaths of allegiance and supremacy, and the test enjoined by a late act of parliament, for preventing dangers which may happen from popish recusants, hath since been perverted to the romish religion, or hear mass; such discoverer, upon information thereof given to his grace the duke of Monmouth, lord-general of his majesty's forces, shall have a reward of twenty pounds for every soldier or officer so discovered aforesaid: and to the end his majesty's pleasure herein, may be fully known, his majesty doth command that this order be forthwith printed and published." A second danger was *from the interest of popish members of parliament, but especially in the house of peers*; and therefore the commons prepared a bill, for the more effectual preserving the king's person and government, *by disabling papists from sitting in either house of parliament*. But a third, which now most threatened the security of the protestant religion, was the prospect of a popish successor; and therefore the popular members of both houses began to form the design of a bill of exclusion, as the only means to extinguish the hopes and expectations of the romish party. The commons began gently on this occasion, and on the 4th of November suffered a debate to arise in their house, for an address to be presented to his majesty, that his royal highness may withdraw himself from his majesty's person and counsels. But then they adjourned this debate till Friday, November 8, and then again adjourned it to the Tuesday following.

The king, who had consented to all they had asked this sessions, now resolved to give them a handsome check, as well understanding the tendency of this address; and, therefore, on the Saturday before, November 9, he came to the house of peers, and made this remarkable speech to both houses: "My lords and gentlemen, I am so very sensible of the great and extraordinary care you have already taken, and still continue to shew for the safety and preservation of my person, in these times of danger, that I could not satisfy myself without coming hither on purpose to give you all my most hearty thanks for it; nor do I think it enough to give you my thanks only, but I hold myself obliged to let you see withal, that I do as much study your preservation too as I can possibly, and that I am as ready to join with you, in all the ways and means that may establish a firm security of the protestant religion, as your own hearts can wish; and this not only during my time, of which I am sure you have no fear, but in future ages, even to the end of the world: and therefore I am come to assure you, that whatsoever reasonable bills you shall present to be passed into laws, to make you

safe in the reign of my successor, (so they tend not to impeach the right of succession, nor the descent of the crown in the true line, and so as they restrain not my power, nor the just rights of any protestant successor) shall find from me a ready concurrence. And I desire you withal, to think of some more effectual means for the conviction of popish recusants, and to expedite your counsels as fast as you can, that the world may see our unanimity, and that I may have the opportunity of shewing you how ready I am to do any thing that may give comfort and satisfaction to such dutiful and loyal subjects." In the afternoon, the house of commons went to the banqueting-house of Whitehall, and by their speaker returned his majesty their humble and hearty thanks, for his most gracious speech this day made to both houses of parliament. To which his majesty was pleased to give this obliging answer:—"Gentlemen, it shall always be my study to preserve the protestant religion, and to advance and support the interest of my people."

In the mean time, *while the credit of the plot began to sink a second time*, and to become a little too unwieldy for one evidence, there suddenly appeared another supporter, one William Bedloe, or Beddow, according to his reputed father's name; a fellow who took upon him the title of captain Bedloe, being a proper colleague and assistant to doctor Oates, and having undergone greater variety of fortunes. He was one of a base birth and worse manners, who from a poor foot-boy and runner of errands, for a while got into a livery in the lord Bellasis' family; and having for his villainies suffered hardship and want in many prisons in England, he afterwards turned a kind of post or letter carrier, for those who thought fit to employ him, beyond sea. By these means he got the names and habitations of men of quality, their relations, correspondents, and interest; and upon this bottom, with a daring boldness, and a dextrous turn of fancy and address, he put himself into the world. He was skilful in all the arts and methods of cheating; but his masterpiece was his personating men of quality, getting credit for watches, coats, horses, borrowing money upon recommendations, bilking of vintners and tradesmen, lying and romancing, to the degree of imposing upon any man that had any remainders of humanity or good nature. He lived like a wild Arab, upon the prey and ramble; and wherever he was, in Flanders, France, Spain, or England, he never failed of leaving the name of a notorious cheat and impostor.* In sum, he was an admirable second to help out

* Hume says, Bedloe was "a man, if possible, more infamous than Oates;" and Smollett calls him "an infamous cheat, who had been detected in many different branches of knavery." A fit actor for such a plot!

Oates in his evidence; had more wit and humour, but still was better at a sham off-hand, than a conspiracy by book.

He first pretended only to discover the murder of sir Edmundbury Godfrey, and seemed to have a special eye to the five hundred pounds reward, which had not sufficient effect till it was backed by a second proclamation, which offered protection as well as reward to any person that should make the discovery. In order to make the more noise, within a day or two after the last proclamation, Bedloe took a sudden journey from London to Bristol, having but lately got out of prison, where he was fed out of the common alms-basket. In this journey he wrote a letter from Newberry to secretary Coventry, a little mysteriously worded, but implying a desire to have him give orders to the mayor of Bristol, to have him taken up and sent to him. This took effect, and he was accordingly taken up in the most public place and manner at Bristol, and with all the noise and effectation of being taken notice of as a grand discoverer. On the 5th of November he left Bristol, and returned to London, where he was immediately dubbed a captain, and a king's evidence; and, as Oates before him, was honoured with guards for his security, and subsistence at his Majesty's charge at Whitehall. He was immediately examined by the two principal secretaries of state, in the presence of the king himself, touching the murder of sir Edmundbury Godfrey, and other matters. He declared he had been bred up in the church of England till within these two years, when, by the persuasion and promises of the jesuits, he was drawn over to them, but he was not one of their order. As to sir Edmundbury Godfrey, he said, he knew that he was murdered in Somerset-house; but, at the same time, he solemnly declared upon his oath, *that he could say nothing at all to the plot that was then in question.* The next day, November 8th, he was examined by the house of lords, where, upon *new encouragement*,* he thought fit to be

* Smollett states, that "the king told Dr. Burnet, that Bedloe had certainly been tutored, in the interval between his first and second examination." Hume also observes, that "when he appeared before the privy council, he gave intelligence only of Godfrey's murder, which, he said, had been perpetrated in Somerset-house, where the queen lived, by papists, some of them servants in her family. He was questioned about the plot; but utterly denied all knowledge of it, and also asserted, that he had no acquaintance with Oates. Next day, when examined before the committee of lords, he bethought himself better, and was ready to give an ample account of the plot, which he found so anxiously inquired into. This narrative he made to tally, *as well as he could*, with that of Oates, which had been *published*. But that he might make himself acceptable by *new* information, he added some other circumstances, and those still more tremendous and extraordinary." Mr. Salmon, in his examination of Burnet's History of his own Time, observes, "that every one of the witnesses of the popish plot improved daily in their evidence; and from some slight knowledge of it, which they pretended to at first, became positive witnesses against persons they had never

more open, and launch out into the depths of the plot, with a new and supplemental evidence, wherein he declared, that Walsh and Le Phaire, two jesuits concerned in the horrid murder, informed him, "That the lord Bellasis had a commission to command forces in the north, the earl of Powis in South Wales, and the lord Arundel of Wardour, had a commission from the pope to grant commissions to whom he pleased; that Coleman had been a great agitator in the design against the king, and that he asked the jesuits, why they had not formerly told him what they had designed concerning the king's death; they answered, "that none but whom my lord Bellasis gave directions for, were to know it." Then he desired he might have time to put the whole narrative *into writing*, which he said he had begun. They particularly asked him, whether he knew Titus Oates, and he positively denied it; though afterwards he came off with a salvo, that he knew him by the name of Ambrose.

The effect of this discovery soon took place, and presently produced an order to make a strict search for Charles Walsh, Le Phaire, and other suspicious persons, and an address the day following for a proclamation against Conyers, Simmonds, Walsh, Le Phaire, Pritchard, and Castaway, as persons guilty of the damnable and hellish plot, &c.

On the 12th of the same month, upon further examination in the house of lords, Bedloe's eyes were more opened, and his knowledge much enlarged, both as to the plot and the murder. The substance of what he said concerning the plot was:—That the monks of Doway first told him the design; and after four sacraments of secrecy, they sent him to Harcourt, a jesuit, in Duke-street, London; who provided for him, and sent him to Paris, &c. That Le Phaire, Walsh, Pritchard, and Lewis, told him what lords were to govern, what men were to be raised; particularly forty thousand to be ready in London; what succours were to be expected, namely, ten thousand from Flanders; twenty or thirty thousand religious men and pilgrims from St. Jago, in Spain; that Hull was to be surprised, and that just in the critical time the plot was discovered; that Le Phaire gave him a sacrament of secrecy; and they told him who and who were to be killed, and the men that were to do the work; Le Phaire said further, that Conyers was my lord Bellasis' confessor, and communicated his orders; and that they were resolved, if any plotters were taken, to dispatch them before they could be brought to trial, or to burn the prison. He moreover deposed, that Le Phaire, Pritchard, Lewis, Keines, and Walsh, and others, had often told him, that there was not a roman catholic in England, of any quality or credit, but was acquainted with the designs of the

seen before; and of facts, which they had solemnly protested, upon their oaths, they were strangers to."

papists, and had received the sacrament from their father confessors, to be secret and assistant in carrying of it on. He further added, that the part that was assigned him, was to bring and carry orders and councils, and all other intelligence from one army to another, upon all occasions; he knowing every part and road of England and Wales. In this long examination, the lords were for the most part very strict and particular, and they especially conjured him to speak nothing but truth; and he did in the presence of God, as he should answer it at the day of judgment, assure all to be true he had deposed.*

* On the subject of the new discoveries of Bedloe, the continuator of Baker's Chronicle remarks, that "there cannot be a more surprising example of the force of universal prejudice, than that such an evidence should gain attention, much more belief, among so many effective wise men as heard it. How could it be thought that forty thousand men should be ready in London for such a design, when probably there was not that number of papists to be found throughout the city, though we take in the women and children? Or that Spain should send over thirty or forty thousand men to conquer England, who could scarce afford half the number in the late war to defend her own territories in Flanders? But this is not the only instance when popular madness has infected very wise and judicious heads." Hume likewise observes, on this extraordinary evidence, that "it is remarkable, that the only resource of Spain, in her present decayed condition, lay in the assistance of England; and, so far from being in a situation to transport ten thousand men for the invasion of that kingdom, she had solicited and obtained English forces to be sent into the garrisons of Flanders, which were not otherwise able to defend themselves against the French. The French too, we may observe, were, at that very time, in open war with Spain, and yet are supposed to be engaged in the same design against England; as if religious motives were become the sole actuating principle among sovereigns. But none of these circumstances, however obvious, were able, when set in opposition to multiplied horrors, antipathies, and prejudices, to engage the least attention of the populace: for such the whole nation were at this time become. The popish plot passed for incontestible; and had not men soon expected with certainty the legal punishment of these criminals, THE CATHOLICS HAD BEEN EXPOSED TO THE HAZARD OF AN UNIVERSAL MASSACRE. The torrent indeed of national prejudices ran so high, that no one, without the most imminent danger, durst venture openly to oppose it; nay, scarce any one, without great force of judgment, could secretly entertain an opinion contrary to the prevailing sentiments. The loud and unanimous voice of a great nation has mighty authority over weak minds; and even later historians are so swayed by the concurring judgment of such multitudes, that some of them have esteemed themselves sufficiently moderate, when they affirmed, that many circumstances of the plot were true, though some were added, and others much magnified. But it is an obvious principle, that a witness, who perjures himself in one circumstance, is credible in none. And the authority of the plot, even to the end of the prosecutions, stood entirely upon witnesses. Though the catholics had been suddenly and unexpectedly detected, at the very moment when their conspiracy, it is said, was ready to be put in execution; no arms, no ammunition, no money, no commissions, no papers, no letters, after the most rigorous search, ever were discovered, to confirm the evidence of Oates and Bedloe. Yet still the nation, though often frustrated, went on in eager pursuit and confident

As the credit of the plot increased, so did the labour and diligence of the two houses of parliament, and the king seemed all along to keep the same pace with them: particularly, on the 12th of November, he issued out a new proclamation, "whereby all romish recusants, and such reputed, were enjoined under the penalty of the laws, to repair to their own houses, and not to remove more than five miles from thence without licence; excepting out of this proclamation the inhabitants of London and Westminster." On the same day the commons presented another address to his majesty, praying, "That special commissions might be issued forth, for tendering the oaths of allegiance and supremacy to all the servants of his majesty and royal highness, and to all other persons (except his majesty's portuguese servants) residing within the palaces of Whitehall, St. James's, and Somerset-house, and all other his majesty's houses; and that there may be likewise special commissions issued forth, for tendering the said oath to all persons residing within the two serjeant's inns, all the inns of court and inns of chancery." To which his majesty returned an answer in writing, two days after, stating, "That, as to all his majesty's own servants, all the servants of his royal highness, all other persons residing in Whitehall, St. James's, Somerset-house, or any other of his majesty's houses, except the menial servants of the queen and duchess, as also all persons within either of the serjeant's inns, or in any of the inns of court or chancery, his majesty willingly grants it. But, as to the queen's menial servants, who are so very inconsiderable in their number, and within the articles of marriage, his majesty does not think it fit, and his majesty cannot but take notice, that, in a late address from the house of peers, the menial servants of the queen and duchess are excepted; and his majesty hopes this house will proceed with the same moderation as to that particular."

But the commons were so heated with new examinations and discoveries, that they could not be satisfied with this answer; therefore, in another address, they humbly advised his majesty, and renewed their desires, that the persons excepted in his majesty's message, might be comprehended in the same commission; for which they did in all duty lay before his majesty the reasons following:—1. "For quieting the minds of your majesty's good protestant subjects, who have more than ordinary care and solicitude for the safety of your majesty's person, by reason of the notorious con-

belief of the conspiracy: and even the manifold inconsistencies and absurdities, contained in the narratives, instead of discouraging them, served only as farther incentives to discover the bottom of the plot, and were considered as slight objections, which a more complete information would fully remove. In all history, it will be difficult to find such another instance of popular frenzy and bigotted delusion."

spiracy of the popish party at this time, even against the life of your sacred majesty. 2. By your majesty's proclamation, set forth upon the address of both houses, for banishing popish recusants ten miles from London, there is no such restriction. 3. The discouragement it would be to this kingdom, to see so great a neglect; and the occasions that papists would take to say from thence, that all our fears were groundless. 4. It is too great a countenance to the dangerous factions, which are already come to that height, that it renders all manner of discouragement on that side necessary. 5. It is against the laws and statutes of the realm; which, as they are preserved and maintained by your majesty's authority, so we assure ourselves, you will not suffer them to be thus violated by your family and royal presence, upon the account of popish recusants."

This was not very pleasing to his majesty; but before he could well return an answer, there happened an accident that made him more uneasy; for, on the 18th of November, the commons being informed that there were several commissions granted to popish recusants, and warrants also that they should be mustered, notwithstanding they had not taken the oaths, and subscribed the declarations, according to the act of parliament, and that they were countersigned by sir Joseph Williamson, secretary of state; the notice of this raised such a heat in the house, that they immediately sent sir Joseph, as a member of their house, to the tower. This much offended the king, who the next day sent for the house of commons to attend him in the banqueting-house in White-hall, where, in a speech to them he told them plainly, that though they had committed his servant without acquainting him, yet he intended to deal more freely with them, and acquaint them with his intention to release his secretary, which accordingly he did that very day.

Upon which, immediately the same day, the commons drew up an address to his majesty, to present to him the reasons of their proceeding in the commitment of sir Joseph Williamson as a member of their house; viz. 1. "That divers commissions were granted to popish officers, and countersigned by the said sir Joseph Williamson, and delivered out in October last, since the meeting of this house, and the discovery of the present popish conspiracy. 2. Divers warrants have also been produced before us, of dispensation, contrary to law, for popish officers to continue in their commands, and to be passed in muster, notwithstanding they have not taken the oaths of allegiance and supremacy, and received the blessed sacrament of the Lord's supper, according to the late act of parliament in that behalf; all which said warrants were likewise countersigned by the said sir Joseph Williamson; which being complained of to us, and confessed by the said sir Joseph Williamson, we

your majesty's most dutiful subjects, having the immediate consideration before us, of the imminent danger of your majesty's person, the safety whereof is above all things most dear, and likewise the dangers from popish plots, so nearly threatening the peace and safety of your majesty's government and the protestant religion, we humbly are of opinion, we could not discharge our duty to your majesty and the whole kingdom, without the committing the said sir Joseph Williamson; and therefore most humbly desire, that he may not be discharged by your majesty. And we do further most humbly desire your majesty to recall all commissions granted to all papists within the kingdom of England and Ireland, or any other of your majesty's dominions and territories."

This adherence of the commons made the king not a little weary of their proceedings; but, however, in two days time he returned his answer in writing, which was delivered to the house by Mr. secretary Coventry, viz. "His majesty having received an address the 19th instant from the house, is pleased to return this answer; that he released Mr. secretary Williamson before their address came, a she told them in the banqueting-house he would do: as to the reasons of granting those commissions, his majesty acquainted the house with them, in his speech, when they last attended him. But, in answer to their present address, his majesty promises to recall all his commissions whatsoever, given to papists or reputed papists, either in England or Ireland, immediately: and from his remoter dominions, they shall likewise be recalled with all the expedition the safety those places will permit."

About this time the bill, formerly mentioned, for disabling all papists from sitting in either house of parliament, having been sent up from the commons to the lords, it there passed with some little amendments, and a particular clause in favour of his royal highness the duke of York. The said bill being sent back to the commons on the 21st of November, it passed there also with the several alterations, but not without some considerable difficulty; for sir Jonathan Trelawney, and one Mr. Ash, being violently heated in the debate, and opprobrious words passing between them, sir Jonathan, unable to bear them, struck the other a cuff on the ear; which being returned by Mr. Ash over the face, they both began to draw their swords. But this disturbance being at last quieted by the speaker, sir Jonathan was presently sent to the tower, and Mr. Ash was publicly reprimanded by the speaker. About the same time, there came out an order of council, explaining the late proclamation, whereby all papists were banished ten miles from London; "declaring it not to extend to merchant strangers, and such outlandish per-

sons, who repaired thither on the account of travel." And on the same day came out a proclamation, " offering a reward of twenty pounds to any one who should discover or apprehend a romish priest or jesuit."

Upon the 30th of November, 1678, the bill for disabling papists from sitting in either house of parliament was presented to the king upon the throne, to which he gave his consent to the very great satisfaction of the people.

OBSERVATIONS ON THIS ACT.

As this act is considered the great bulwark of the British constitution, for Kennett says, the commons were so zealous for this bill, that they voted it to be a bill, " UPON WHICH THE SAFETY OF THE KING AND KINGDOM, AND THE PROTESTANT RELIGION, DEPENDED," we must here break off the narrative to make a few remarks upon the circumstances which gave rise to its enactment. Hitherto, notwithstanding the rumours and inventions of plots said to be entered into for the purpose of subverting the constitution and introducing popery and slavery, which were always laid at the door of the catholics, the members of those ancient families who professed that religion, were more or less in favour with the reigning sovereigns, in consequence of their known integrity and loyalty, and therefore were sure to be hated by those whose conduct was dictated by opposite principles. History affords sufficient records of these facts, but none more brilliant than during the unfortunate civil wars which took place in the latter part of the reign of Charles the first, which ended in the murder of that religious but ill-fated monarch: not, however, by the hands of catholics, but by those who had rendered themselves conspicuous for their hatred and persecution of popery, in consequence, as they alleged, of its king-killing doctrines.— It is an incontestible fact, that above two hundred catholic officers, some men of quality, most gentlemen of ancient families, died in the field of battle, fighting against those who afterwards subverted the constitution, and thus sealed their loyalty to their king with the last drop of their blood, besides others who fought and fell in the ranks as common soldiers. In fact, their loyalty was so conspicuous, that it drew forth the highest praises from the most unexceptionable protestant writers, among whom we shall quote Dr. Stanhope, who, in his book called *The surest Establishment of the Royal Throne*, says, p. 30, " It is a truth beyond all question, that there were a great many noble, brave, and loyal spirits of the roman persuasion, who did, with the greatest integrity,

and without any other design than *satisfying conscience* adventure their lives in the war for the king's service. And that several, if not all, of those were men of such souls, that the greatest temptation of the world could not have perverted, or made them desert the king in his greatest miseries."—Another author, supposed to be a protestant bishop, who wrote a work entitled "*The State of Christianity in England*," observes, "The English papist, for his courage and loyalty in the last war, deserves to be recorded in the annals of fame and history. And perhaps this may not be unworthy of notice, that whensoever the usurper (Cromwell) or any of his instruments of blood or sycophancy resolved to take away the life or estate of a papist, it was his loyalty, not religion, that exposed him to their rapine or butchery."—Nor was this loyalty on the part of the catholics less remarkable after the death of the king, but continued to be exerted towards his son and successor, Charles II, during the time of his greatest adversity, and when no hopes of favour could be expected from him; they, on the contrary, were exposed to the most miserable deaths for this conduct, should they fall into the hands of the protector's myrmidons. After the fatal battle of Worcester, the king's life was *entirely in the hands of catholics* during the six following days, which his majesty spent at White-ladies, at Moseley, and in the hiding hole and royal oak at Boscobel. Dodd, in his church history, vol. iii. p. 181, records the names of fifty-two persons, concerned in the preservation of the king, *all catholics*, amongst whom were three priests, and thirteen of the family of the Pendrels, who were all acquainted with the character and dignity of their princely charge, but not one of whom was tempted, either by the vast rewards offered for his majesty's person, the poverty of their situation, or the terrible punishments threatened on those persons who should conceal the royal fugitive, to betray the trust reposed in them, or surrender that life committed to their care, which the people were instructed to believe was never safe in the custody of a papist.* The consequence of this distinguished

* The following account, extracted from Reeve's Church History, of the memorable escape of Charles, after the battle of Worcester, cannot fail to prove acceptable to the reader, and clearly evinces the unshaken loyalty and incorruptible integrity of the catholics who were engaged in that unparalleled transaction:—"Charles II. drew together the scattered royalists, and took the field against Oliver Cromwell, the leader of the rebel forces. The two armies met in battle near Worcester, on the third of September, 1651. Victory declared for the rebels; the royalists fled in every direction. The king was left with a few attendants, amongst whom was lord Wilmot and colonel Giffard, a catholic gentleman of Staffordshire, who undertook to guide them to a place of safety among his catholic and loyal acquaintance. Night favoured their retreat. Early the next morning, which was Thursday, they arrived at White-ladies.

loyalty was, a continued series of persecution and proscription experienced by the catholics during the usurpation of Cromwell; which Charles found himself unable to soften after his restoration. To enter into a succinct history of the proceedings of Charles's reign, previous to the passing of the famous act which we are now noticing, is unnecessary; it is sufficient to observe that the known attachment of the restored monarch to those who were so instrumental in pre-

Here the king dismissed his attendants, and committed himself to the fidelity of the Pendrels. William, the elder of five brothers, rented a little farm, called Boscobel, belonging to the Fitzherberts, near White-ladies. His two brothers, Richard and John, lived in the neighbourhood, and earned their bread by day-labour. His majesty now assumed a peasant's dress and character; to disguise himself the better, he cut his hair quite short, stained his hands and face with walnut leaves, put on a patched coat, a coarse shirt, and clouted shoes. He took a wood bill in his hand, and spent the rest of the day in Boscobel wood with Richard Pendrel. In the dusk of the evening they set off for Madeley, a village in Shropshire, near the Severn, hoping to cross that river and escape into Wales. But when they approached the village, they were met by one Mr. Wolf, a catholic gentleman, who told them, that all the fords were guarded by the rebels, and that it was not safe for them to advance any further. The king then passed the Friday in one of Mr. Wolf's barns, and towards evening went off for Boscobel with his trusty guide, Richard Pendrel: they reached the place on Saturday morning, and as they were every hour exposed to a visit from some of the rebel party, the king concealed himself all that day, and part of Sunday, in an oak tree, since called the royal oak. John Pendrel in the interim, who had undertaken to be Lord Wilmot's guide, finding it dangerous to proceed through a country strictly watched by the rebels, brought him to Moseley, the seat of Mr. Whitgrave, a gentleman of good estate. He then went over to Boscobel to enquire what was become of the king. He found him returned from the Severn, disappointed of a passage, and greatly perplexed what course to take. John immediately went back to Moseley, and related how matters stood. It was agreed, that the king should be conducted thither, where they might concert measures for his escape into France. On Sunday evening his majesty was set on a miller's horse, and conducted to an appointed place, where Mr. Huddleston, the priest of the family, was ready to receive and lead him to Moseley. Under this loyal roof the king was sheltered from Sunday till Tuesday night. He slept in Mr. Huddleston's room on account of its being near to a hiding hole, which those persecuting times rendered necessary for the priest's safety, against the search of blood-thirsty pursuivants. There his majesty thought it prudent to conceal himself on Monday night, when a sudden alarm was given, that a party of soldiers were coming to search the house. Mr. Whitgrave met them at the gate, and prevailed upon them to go off. Three miles from Moseley lived colonel Lane, a protestant loyal gentleman, who had luckily procured a passport for his wife and a servant to go to Bristol. It was proposed that the king should personate the servant, and under that disguise remove from the seat of danger. Lord Wilmot went over on Monday and settled the matter with Mr. Lane; the king was conducted thither on Tuesday night. He then quitted his peasant's dress for a new grey suit of cloth, took the name of William Jackson, mounted before Mrs. Lane on a double horse, and got safe to Bristol. From thence he made his way with much difficulty and various adventures to Brighthelmstone, where the vessel was provided to carry him to France."

serving his life, added to his long residence in catholic countries, awakened all the narrow-minded jealousy and fanatical intolerance of the leaders of the factious party against the ever-terrifying dangers of popery. Gratitude to the catholics, for their unequalled adherence to the royal cause, and his own conviction of the injustice which had been exercised against them in former times, induced Charles to issue out a declaration of indulgence on the 26th of December, 1662, in which he promised that he would endeavour to procure some act from parliament, enabling him, in cases where the offenders conducted themselves peaceably, to dispense with the execution of the laws against non-conformity. It should be here observed, that, on the 17th of May previous, the king had signed an act of uniformity, by which every minister was obliged, on pain of losing all his ecclesiastical preferments, to conform to the worship of the church of England according to the new book of common prayer. On the 18th of February following, the parliament met, and according to the promise made in the aforesaid declaration, the king in his speech to both houses made use of the following words:—"To cure the distempers, and compose the different minds among us, I set forth my declaration of the 26th of December, in which you may see, I am willing to set bounds to the hopes of some, and to the fears of others; of which, when you shall have examined well the grounds, I doubt not but I shall have your concurrence therein. The truth is, I am, in my nature, *an enemy to all severity for religion and conscience*, how mistaken soever it be, when it extends to capital and sanguinary punishments, which I am told were begun in popish times: therefore, when I say this, I hope I shall not need to warn any here, not to infer from thence, I mean to favour popery. I must confess to you, *there are many of that profession who having served my father and myself very well, may fairly hope for some part of that indulgence I would willingly afford to others who dissent from us*: but let me explain myself, lest some mistake me herein, as I hear they did in my declaration. I am far from meaning by this, a toleration or qualifying them thereby to hold any offices or places in the government; nay, further, I desire some laws to be made to hinder the growth and progress of their doctrines. I hope you have all so good an opinion of my zeal for the protestant religion, as I need not tell you, I will not yield to any therein, not to the bishops themselves, nor in my liking the uniformity of it, as it is now established; which being the standard of our religion, must be kept pure and uncorrupted, free from all other mixtures: and yet, if the dissenters will demean themselves peaceably and modestly under the government, I could heartily wish, I had such a power of in-

dulgence, to use upon occasions, as might not needlessly force them out of the kingdom, or staying here, give them cause to conspire against the peace of it."

This speech, with the declaration, alarmed the intolerant faction in the house of commons, who thereupon presented a long address to the king, in which they declared "that it is in no sort adviseable that there be *any* indulgence to such persons, who *presume* to dissent from the act of uniformity and the religion established."—This was followed by a joint address of both houses, complaining "that his majesty's *lenity* towards the *papists* had drawn into the kingdom a great number of romish priests and jesuits, and praying him to issue out a proclamation to command all such jesuits and priests to depart the kingdom." The king answered in writing; "that he was not a little troubled, that his lenity and condescension towards many of the popish persuasion (which were the natural effects of his generosity and good nature, after having lived so many years in the dominions of roman catholic princes; and out of a just memory of what many of them have done and suffered in the service of his father and himself) had been made so ill a use, and so ill deserved, that the resort of the jesuits and priests into this kingdom had been thereby increased, with which his majesty was and is highly offended. He declared farther to both houses, and all his loving subjects, that as his affection and zeal for the protestant religion, and the church of England, had not been concealed or untaken notice of in the world, so he was not, nor ever would be, so solicitous for the settling his own revenue, or providing for the peace and tranquillity of the kingdom, as for the advancement and improvement of the religion established, and for the using and applying all proper and effectual remedies to hinder the growth of popery, both which he in truth looked upon the best expedients to establish the peace and prosperity of all his kingdoms."—Notwithstanding these protestations of the king in favour of the established religion, his mildness towards those who dissented from its creed, continued a subject of jealousy on the part of parliament and the people, and we find in each succeeding session complaints from both houses to the throne, against the granting liberty of conscience, and expressions of alarm at the growth of popery. The fears which protestants entertained of the catholics were certainly as ridiculous as they were groundless, but the duke of York having in 1671 publicly renounced the errors of protestantism, and declared his belief in the catholic church, advantage was taken of the circumstance by the factious and unprincipled politicians of those times, and the terrors of the people were worked up to the utmost pitch of horror and fanaticism against the supposed diabolical doctrines of popery. To

favour their iniquitous designs, the memorable and destructive fire of London, in 1666, had unjustly been attributed to the catholics and generally believed by the nation at large; an attempt to soften the rigour of the laws against non-conformity had been rejected by the commons with contempt; and, in a subsequent session, they passed a vote, declaring that, even in case of the greatest emergency, they would grant no supply until they had provided for the *suppression of popery*. During the whole of these distractions and contentions between the court and the popular party the catholics continued to enjoy their parliamentary privileges, although they had been deprived of holding offices of state, by an act passed in the 25th year of this reign, which provided that all persons enjoying any office of trust and profit, should take the oaths of allegiance and supremacy in public and open court, and make the declaration against transubstantiation, besides receiving the sacrament according to the rites of the church of England. In consequence of this statute, the duke of York relinquished his situation as lord high admiral; and the lord-treasurer Clifford laid down his office, and retired to the country. Previous to the passing this act, the earl of Shaftesbury, of whom we have before spoken, deserted the councils of the king, and espoused the cause of the violent party, of which he soon after became the head. The hatred of this unprincipled incendiary to the duke of York, induced him to attempt the plan of excluding him from the throne, and the circumstance of the duke having openly professed himself a catholic, was deemed a plausible pretext for the accomplishment of his traitorous design. This Shaftesbury had been greatly instrumental in dethroning the duke's father, and raising Cromwell to the protectorship; it is no wonder then that he who had assisted to deprive the father of his legal rights, should be ready to wreak his vengeance on the son. Thinking himself ill-treated by the king and the duke, in consequence of his project for making his majesty absolute over the people being rejected by that indolent but well-meaning monarch, Shaftesbury became inflamed with the most deadly resentment against Charles and his brother, and urged by the goadings of implacable malice, he resolved not only to ruin the duke, but through him to extirpate the royal family. But in order to effect this it was necessary to weaken the royal party in the house of peers, where the old leaven of republicanism and religious cant had always met with the decided opposition of the catholic lords, who constantly supported every measure which tended to uphold the constitutional establishment of the church and state, as the only means of securing the real liberty and harmony of the nation. The leaders of the faction therefore invented the in-

famous plot, of which we have undertaken to give the public a narrative, in order to raise the prejudices of the people, already warped by calumny and misrepresentation, to a degree of fury and madness against the papists as the blind abettors of slavery, and in the height of this delirium they carried through the two houses the bill for disabling catholics from sitting in either house, which Charles, although he knew they were his best friends and the firmest supporters of his throne, found himself obliged to assent to; and thus he established a system of persecution and proscription, by means of the most impious and profane oaths, upon a whole body of men, to some of whom he had been indebted for the preservation of his life. On the subject of this great bulwark of the constitution, as it is still termed by those who wish to continue the injustice and absurdity of the measure, a modern protestant historian* has made the following excellent and just remarks:—

“It was not without a motive that the popular leaders endeavoured, and but with too much success, to keep alive the terrors which had been excited in the minds of the people from the alleged designs of the papists. Shaftesbury, who after having alternately been the active supporter of the late king, the parliament, and the protector, soon after the restoration became a leading member of the celebrated cabal, whose intentions certainly were the destruction of all civil liberty, and as it has been strongly, though perhaps somewhat erroneously suspected, of the re-establishment of the catholic religion. When their measures, therefore, had driven the king to the choice of one or other of these extremities, either to govern without a parliament, or to yield to their remonstrances, this subtle courtier perceiving that Charles had not sufficient firmness to persist in his designs, or to screen his advisers from the impeachments which were suspended over their heads, again changed his party, and from the arbitrary chancellor, became the factious leader of the discontented multitude:

“The ambition of this man was boundless, and as he had acquired an unlimited influence over the mind of the duke of Monmouth, the favourite natural son of the king, he formed the daring design of placing him on the throne, in preference to the duke of York, whom he pretended to set aside on account of his religion. To this end, therefore, two bills of exclusion were at different periods introduced by the commons, one of which was prevented a third reading, by the sudden prorogation, and subsequent dissolution of the

* An Historical Account of the Laws enacted against the Catholics both in England and Ireland, with copious Notes. By James Baldwin Brown, Esq. of the Inner Temple. Published by Underwood and Blacks, 32, Fleet-street, 1813.

parliament, and the other instantly rejected by the lords. It is not however my business to enter minutely into their history, though a brief notice of them is necessary, in order to account for the enacting the test for members of parliament, which we shall soon have occasion to set forth, and which is now sought to be repealed on the solid ground that if it ever were justifiable, its justification was founded on circumstances, which, having long ceased to operate, their effects ought to cease also. On the discussion of one of those bills, much approbation was bestowed on the zeal of a member of the house of peers, who thus expressed his aversion to popery. 'I would not have so much as a popish man or a popish woman to remain here; not so much as a popish dog or a popish bitch; not so much as a popish cat to pur or mew about the king.'

"With such an intention in the popular leaders, seconded to the fullest extent by the commons, and but in the point of an absolute change in the succession to the crown, of the peers also, we must naturally expect that the most decided measures would be resorted to, for the exclusion of catholics from a seat in the parliament house, where they would have an opportunity of at least endeavouring to check the additional rigours of those laws which were continually enacting against the professors of their religion. For this exclusion we accordingly find, that they made ample provision by 30 C. II. st. 2, by which it is enacted that no one who then was, or who hereafter should be a member, either of the house of peers or commons, shall vote personally or by proxy, or sit in either of the houses during a debate, until they shall first have taken the oaths of allegiance and supremacy, and audibly repeated and subscribed the declaration following:

"I *A. B.* do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe that in the sacrament of the Lord's supper, there is not any transubstantiation of the elements of bread and wine, into the body and blood of Christ, at, or after the consecration thereof, by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are *now* used in the church of Rome, are superstitious and idolatrous. And I do solemnly, and in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose, by the pope, or any other authority, or person whatsoever, or without hope of any such dispensation from

any person or authority whatsoever, or without thinking that I am, or can be acquitted, before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.'

"Members of parliament not having made the declaration, together with all popish recusants, are forbidden to come into the king or queen's presence, or into any house in which they or any of their successors may be, without licence from the king, or six of his privy council. And peers or members of the house of commons offending against any of the provisions of this act, are to be considered recusants, and as such to be disabled from filling any office, from suing in any court, taking any legacy, or deed of gift, or acting as executor, guardian, &c. They are also further liable to a fine of five hundred pounds, for sitting or voting in parliament, until they have conformed to its regulations. The declaration is likewise required to be subscribed by all sworn servants of the king or queen, or of any of their successors.

"This act, however, is closed with a proviso that nothing therein contained shall extend to the duke of York, an indulgence which was obtained from the peers, as it seems, by his most earnest supplications, and even by his tears. And, though he most solemnly protested that his religion should be a matter between God and his own conscience, and should in no wise influence his public conduct, he prevailed with the commons in the insertion of the clause but by two voices.

"To make many observations on the tenor of this act would be superfluous; but I would just take occasion to observe, that we can readily perceive the reason why a member of the supreme legislative assembly should be required to take an oath of allegiance to the king who is at its head, and to deny the temporal authority of any foreign power within his dominions. And whatever may be our opinion of the necessity of extending this denial to affairs merely spiritual, we cannot either be at a loss for the grounds on which it is maintained, the supposed policy of uniting the attributes of the supreme head of the church to those of the supreme head of the state. But it would be somewhat difficult, I imagine, to discover the connection between a belief in the doctrine of transubstantiation and a qualification for a seat in parliament; or of the adoration of the Virgin Mary, and a denial of the right of a peer personally to present his grievances to the king, who according to the remains of our feudal constitution is in a peculiar manner his superior lord.

"Our forefathers, however, have thought proper to esta-

blish this connection, and a considerable portion of their descendants seem inclined to act as though they believed it existed even to this day: for so long as this statute, for the continuance of which they are so anxious, remains in force, no one who does not think proper to swear that he believes both of these hypotheses to be superstitious and idolatrous, can either be a member of parliament, or (until a very recent period) could set his foot on the threshold of the house where the king or queen may chance to be, though they should own no obedience to the pope, and should even be willing to admit the ecclesiastical supremacy of the king.

“The commons were preparing to follow this act by others, which would have operated still more severely against the catholics, and even to re-introduce the obnoxious bill of exclusion, when the king came to the sudden resolution of dissolving the parliament. Of this intention it appears they had intelligence about a quarter of an hour previous to their being summoned to attend his majesty in the house of peers. Some violent resolutions were therefore passed in a manner little less tumultuary than those of the parliament which had been as unexpectedly dissolved by the late king. By one of these they resolved, ‘That it is the opinion of this house, that the city of London was burnt in the year 1666, by the papists, designing thereby to introduce arbitrary power and popery into the kingdom.’ In fact, they were rapidly treading in the steps of their predecessors, in ascribing every evil of every description to the damnable and hellish plots of the papists. Nor could the compliance of the king with their bigoted prejudices in causing several catholics to be executed for the simple offence of being in priests’ orders, remove from him the imputation of a more than ordinary partiality to the proscribed faith.”

In addition to these truly patriotic and charitable sentiments, the following remarks on the spiritual and religious purport of this test, by the Rev. Joseph Reeve, author of a *Short View of the Christian Church*, cannot fail to illustrate, in an essential point, the pernicious and impious tendency of the measure:—“Strangers to the pliant doctrine of making conscience and religion subservient to temporal interest, the catholics of England then were, and still are, sorely aggrieved by a test, which compels them either to forswear themselves, or to forego every post of honour and emolument, every employment of public trust, and every offer of rendering any signal service to their king or country. By the existence of such a test they feel themselves degraded in the eyes of their fellow subjects, their honour stigmatized, their loyalty called in question, their religion insulted. Yet to all this they silently and patiently submit, rather than sa-

crifice their conscience, and betray their obligations to God: and should a catholic be so weak and wicked as to declare himself a traitor to his conscience and religion, by taking the test, what assurance would he thereby give of his fidelity to the state? The declaratory disbelief of a speculative point of doctrine can be no pledge of practical allegiance. To those, who through established custom admit the test, it is a subject of serious consideration, lest they take a rash or a false oath. To escape the guilt of perjury, they must, to the best of their knowledge, be certain of the truth, for which they call God to witness. Now are they sure, that the words of Christ, in the institution of the holy sacrament of his body and blood, are not to be understood in their literal and obvious sense? In this sense they were understood by the universal church for fifteen hundred years, from the beginning of christianity to Luther's reformation, as all histories testify. Are they sure, that for so many ages the whole christian world, east and west, that all the fathers, who made religion their study, the Cyrils, the Cyprians, the Gregorys, the Chrysostoms, the Ambroses, the Austius, the Jeromes, were so many idolaters? * For their writings vouch for their belief being the same with that of catholics in the present age. Are they, who take the oath, then, sure, that the heathen world has been converted from the idolatrous worship of a Jupiter or a Venus, to give it to a bit of bread or to a cup of wine? Are they certain, that a combination of holy and learned men has existed in every nation, in every climate, and in every age, from St. Peter to Martin Luther, an apostate friar, to propagate idolatry? Is it rational to suppose it? is it safe to swear it? Is it not rash, is it not impious, to call on God to witness a fact against the obvious and literal meaning of his own divine word? Again, are they sure that catholics adore or give divine worship to the Virgin Mary, or to any other saint? If they consult a catholic catechism they will find no such thing. Is it then prudent to swear it? Are they, moreover, sure, that the invocation used by catholics, to beg the prayers of the Virgin Mary, and of other saints, is a superstitious and idolatrous act? St. Paul thought it not, when he begged the prayers of the christians at Rome. For whether the saint be in hea-

* The reverend author might also have added the names of many eminent divines of the church of England, viz. archbishop Laud, bishops Andrews, Montague, Bilson, Ken, Forbs, Taylor, and Parker; Mr. Thorndike, Mr. Hooker, and other ecclesiastical writers; all of whom maintained the real presence of the blessed eucharist, as does the church catechism, and book of common prayer, of the present day. Dr. Burnet also says "that Dr. Gunning, bishop of Ely, during the progress of the test bill through the house of lords, maintained that the doctrines of the church of Rome were not idolatrous," though he afterwards swore they were to preserve his seat!

ven or on earth, the address to him is still the same: of him nothing more is asked than his prayers and intercession before the throne of mercy; he is invoked in no other light than as a friend of God, nor is he honoured as a God, or with God's honour."

Enough has been said to prove that the promoters of this disgraceful act were not governed by any particular desire to support the prerogatives of the throne, the privileges of the established church, or the liberties of the people. They had been active in destroying the former, by establishing a protectorship—they had assisted to abolish episcopacy, and were become deists in principle—and they had endeavoured to overthrow the constitution, by offering to render the sovereign absolute, and independent of parliament. To bigotry, revenge, and the most hateful passions which too often govern the human mind, must we attribute this black stain upon the annals of our country; and surely it is high time to endeavour to remove the scandal of these diabolical scenes from the present generation, by making a just retribution to the descendants of the injured party, who continue to labour under the same system of civil proscription and unfounded suspicion.—We shall now conclude our remarks upon this all-supporting pillar of the established church, this great bulwark of our glorious constitution, with observing, that it was not a little curious piece of inconsistency on the part of the performers in the plot, and of blind credulity on the part of the nation at large, when, at the very period the judges were charging the juries against the victims destined to be sacrificed, and asserting in open court, that papists were not to be believed upon their oaths; that their religion taught them to commit any villainy, in order to promote the interests of their church; and that the greater the crimes they perpetrated for that purpose, the greater saints they would be in heaven, with such like impieties; the law-givers of the nation were content to enact *a bare oath* for the purpose of excluding them from the dearest civil privileges of the state, which they inherited as their birth-right. Can any thing more strongly evince the opinion which parliament entertained of the conscientious integrity of the catholic mind? Can any thing more clearly disprove the foul imputations raised against the catholic body, that its members were not bound by oaths to protestants? Is it not evident to the unprejudiced reader, that the enemies to popery were perfectly sensible that the abominable and irreligious principles which they had been instrumental in fixing on its professors, were calumnies of the grossest kind, or would they have been satisfied with the sole enactment of an oath, to dispossess them of their birth-right, if they really believed that they could be absolved from it, after having taken it? The framers of the act knew full well it was sufficient for the

purpose they intended it; and time has fatally proved the sagacity of their understandings.—Thus, those who were calumniated with the charge of being perjurers from principle, have religiously refused to take an oath contrary to their consciences, although they were thereby deprived of the highest privileges of a free-born subject; and thus the catholics of this kingdom, for upwards of a century, have exhibited to the world at large an undeviating adherence to the strictest integrity, while calumny and bigotry have been exerting their nefarious powers to fix an opposite tendency upon their civil and religious morals. Instead of being those base criminals which the founders of the great bulwark of our constitution in church and state instigated the deluded populace to believe they were, the following chapters will exhibit them as the victims of a bloody conspiracy, supported by perjury, judicial tyranny, and popular prejudice, which cannot fail to make the reader blush for the honour of his country, and convince him that such transactions on the part of the protestant community of those times, ought not to be sanctioned by a continuance of the unjustifiable system towards the catholics of these days. So much for the boasted bulwark of the constitution; let us now proceed with the history of the plot.

CHAPTER III.

Apprehension of Mr. Staley.—He is put upon his trial.—The accusation and defence.—Judge Scroggs's charge.—The prisoner is found guilty and executed.—account of his funeral.—The trial of Mr. Edward Coleman.—Oates's Evidence.—Bedloe's do.—The prisoner's defence.—Dialogue between him and the Chief Justice.—Scrogg's charge.—is found guilty.—Remarkable discourse between him and the Chief Justice, previous to passing sentence.—Speech of Scroggs on condemning the prisoner.—Coleman's address to the Judge after sentence.—his execution and dying speech.

ALL this time, continues Echard, while these things were transacting in the parliament, the king proceeded in the same manner with relation to the plot, as though he believed the whole truth of it. He seemed now to have occasion to exercise his talent of dissimulation; and the French historian Orleans says, "He counterfeited a credulity, which was made use of to the committing of much injustice." However, according to his first speech, he wholly left the accused person to the law, and the common courts of judication, and the appointment, management, and prosecution of their trials to his judges and proper officers. The first man designed for trial, was Mr. Edward Coleman, as the most signal and

obnoxious offender. But there unexpectedly happened a case so easy, and free from difficulties, though no part of the grand plot, that it was thought fit to begin with a much later criminal, one Mr. William Staley, a goldsmith, in Covent-garden, a strict and zealous romanist, bred in one of the English seminaries beyond the seas, and intended for a priest; but afterwards, for a more profitable prospect, he returned home, and became an assistant to his father in the shop, who had great trade, being entrusted with the cash of many of the popish nobility and gentry. These, upon the noise of the plot, suddenly began to call in their money; and he, as it is said, being unable readily to make up his accounts with his father, and finding their trade in a bad condition, grew so far disturbed, that on the 4th of November, being in company with one Fromante, a foreigner, in a cook's shop, discoursing together about the plot, &c. the foreigner said in French, "That the king of England was a great tormentor of the people of God!" to which the said Staley answered, "The king of England!" furiously repeating the words, "is a grand heretic, and the greatest rogue in the world; here's the heart," striking his hand upon his breast, "and here's the hand that will kill him, myself." He was heard to speak these words by three Scotch gentlemen, who were in the next room, with the door open just over against him.

This man being informed against, was immediately taken up, arraigned on the 20th of November, and the next day tried at the king's-bench bar, before the lord chief justice Scroggs. The witnesses, William Carstairs and Alexander Sutherland, did both positively swear the words before cited, for they both understood French very well; and the third witness, though he did not understand French, swore he heard the prisoner speak something with great earnestness, and that captain Carstairs, at that instant, told him it was in English, "That he would kill the king." The prisoner being called upon for his defence, addressed the judge in the following words:—"My lord, the matter of fact happened thus: this gentleman, Mr. Sutherland, comes over to me in the morning, when I was in the shop, and said, Sir, I would have a red button like this; I said I had none of that nature, you had better go to the Exchange. I would have one of a true stone; you must, I replied, go to the jewellers, I have none of these. Upon that I dismissed him; he went over, and presently comes in a quarter of an hour after, and tells me that an honourable person would speak with me: I went over; this gentleman makes a great many ceremonies to me, and reads me this paper; he tells me you see what the gentleman reads, I would advise you to look to it; then taking me aside by the window, I said, I do not understand you, I

am innocent, you must not put any bubble upon me ; with that the captain runs out in a fury, and fetcheth a constable, and carrieth me to the Gate-house. I was in my shop the day before, which very day I did intend to go out with a friend into the country, and prepared myself accordingly ; and Mr. Fromante, the old man that was the friend of mine, comes, saying to me, the constable would have something, I know not what it is, come and assist me ; I went to the place, the constable told me that I was to appear by ten of the clock ; with that comes the old man out. I owed him a little money ; I went and paid him the money which I owed him. I came back, and sat down by the window out of sight, the old man sat at the right hand, so we sat and discoursed as innocently, as I thought, and (before God) as ever I spake in my life,

Lord Chief Justice. What discourse had you ?

Prisoner. Our chief discourse was about the materials of our business ; and it was about the usurpation of the king of France over his subjects, and the happiness of our little people, the commonalty of England, that was indeed usually our discourse when we met together.

Lord C. J. Did you say you would kill the king of France ? and that he was a great heretic ? Do you believe the king of France is a heretic ?

Pris. I know not what his opinion is, that's to his own conscience.

Lord C. J. Did you name the word heretic ?

Pris. Not to my knowledge, upon my soul, not of the king of England ; we might have discoursed of the happiness, and of the difference of their governments. I have been thought a person of some intelligence, and of some understanding in the world, and not to expose myself to speak in a public large room, the door being open, with so high a voice that these gentlemen, being in the next room, should hear me in French, and in a street where almost all are Frenchmen, to speak these blasphemous words, words that I abhor. I have been a great admirer of my prince,

Lord C. J. to the witness. Speak the words in English about killing the king : speak them all.

Wit. That the prisoner's companion did say, "The king was a tormentor and persecutor of the people of God." The prisoner's words were again, "The king of England is the greatest heretic, and the greatest rogue in the world ; there's the heart, and here's the hand that would kill him, myself.

Pris. Here's the hand, and here's the heart which would kill myself ; not would kill *him* myself.

Lord C. J. What jesuit taught you this trick ? It is like one of them, it is the art and interest of a jesuit so to do.

Two witnesses were then examined in behalf of the prisoner; one of whom deposed he had heard him say, that if he knew any of the persons who were concerned in the plot, he would be the executioner himself; that he would lose his blood for the king, and that he always spoke as loyally as ever he heard a man in his life. To this the lord chief justice observed, "That is, *when he spoke to a protestant.*"

The prisoner having closed his defence, judge Scroggs charged the jury as follows:—"The statute hath been read, which was made since the king came in, for the preservation of his person, and during his life: the parliament thought it reasonable, even to make desperate words to be treason, although there was no other thing but words, that is, such words, as if the thing had been done would be treason, the speaking it is treason. When we come to observe the manner of this speaking, methinks there is no great difficulty to satisfy the jury that they were spoken advisedly and maliciously. They were in a public house, and by accident heard: they concealed them not a moment, and not from the man that did not understand French. To hear a man say in a great passion, that his king was a heretic, and the greatest rogue in the world, and that he would kill him, to write down the words presently, they slept not upon it; they found out who he was; the next day they came to attach him: they kept him, for what? till they could get a constable. So that here is nothing doubtful either in the circumstance or substance of his case; so that you cannot have a plainer proof in the world than there is in this. For my own part, when it is in the case of a man's life, I would not have any compliance with the rumours or disorders of times that should be an evidence against him, but would have the verdict depend upon the witnesses, that swear the fact down right upon him. You and we are all sensible of the great difficulties and hazards that are now both against the king's person, and against all protestants, and our religion too, which will hardly maintain itself, when they have destroyed the men; but let them know, that many thousands will loose their religion with their lives, for we will not be papists, let the jesuits press what they will (who are the foundations of all this mischief) in making proselytes, by telling them, *do what wickedness you will it is no sin, but we can save you; and if you omit what we command, we can damn you.* This they will not own when it comes to be an objection and penal upon them; but they will never get the pope of Rome to declare he hath not a power to excommunicate what he calls a heretic king; and if he does, that the subject is not discharged from his obedience, they would do great service to their papist friends, if they could obtain such an edict. They print, preach, dispute, and maintain otherwise, and

thereby lead people to their own destruction, and the destruction of others. Excuse me, *if I am a little warm*, when perils are so many, their murders so secret, that we cannot discover the murder of the gentleman whom we all knew so well; when things are transacted so closely, and our king in so great danger, and religion at stake. *It is better to be warm here than in Smithfield.* But that the man might have justice done him, he hath had his witnesses, and might have had this old man, if he had named him to Mr. Richardson: and to shew what fair play he has had, Mr. Attorney tells you the old man hath been examined upon oath, and offers him the copy of his examination to use, but he thinks not fit to use it for his defence, therefore nothing is smothered. The offence you have heard in words plain enough, unless the sense is perverted by jesuitical cunning and equivocation, the best part of their learning and honesty. They swear it expressly, that the king was a heretic, and the greatest rogue in the world; and here's the heart and hand that he would kill him himself; and hath and can have no other signification. The statute saith, advisedly and maliciously. The manner of speaking, and the words spoke, prove both. *When a papist once hath made a man a heretic, there is no scruple to murder him.* Whoever is not of their persuasion, are heretics; and whoever are heretics, *may be murdered, if the pope commands it, for which they may become saints in heaven: this is that they have practised.* If there had been nothing of this in this kingdom, or other parts of the world, it would be a hard thing to impose it upon them; but they ought not to complain, when so many instances are against them. Therefore discharge your consciences as you ought to do; if guilty, let him take the reward of his crime; and you shall *do well to begin with this man*, for perchance it may be a terror to the rest.* Unless they think they can be saved by dying in the roman

* Upon this trial of Staley and charge of Scroggs, Mr. Salmon, in his remarks on Burnet's history, says, "It was observed that here was no pretence of the prisoner's being in the popish plot, or that he himself had formed any design of killing the king; and that it was very strange the chief justice should give it in charge to the jury, that the words were *advisedly* spoken, when the witnesses expressly testified, that they were spoken *in a rage*. It seemed a little hard upon the prisoner too, that the chief justice should direct the jury to make him the *first* example, when there was *nothing in the indictment or the evidence*, that signified his being concerned in the plot. But it appears, that not only the judges and inferior magistrates were thus carried away by the torrent, but that the ministry, and even the king himself, durst not shew any distrust of the plot, for fear of their being thought concerned in it; so exceedingly ridiculous were some, as to believe his majesty *was really in a conspiracy against his OWN LIFE.*"—The same author observes, that the witnesses produced against Staley were, one Carstairs, a *needy* Scotch officer, with one of his soldiers, and another of his countrymen.

faith, though with such pernicious and traitorous words and designs as these are; *let such go to heaven by themselves; I hope I shall never go to that heaven where men are made saints for killing kings.*"

The jury, without going out of court, immediately pronounced a verdict of guilty; upon which the chief justice said to the prisoner, "Now you may die a roman catholic; and when you come to die, I doubt you will be found a priest too." After a further address, Scroggs sentenced him to be drawn, hanged, and quartered.

Accordingly, about five days after, he was executed at Tyburn, behaving himself in his passage after a very sober and penitent manner; yet he denied the words for which he was condemned; or if he did say them, "they were the effects of a rash passion, without any design against the king's person." His quarters, upon the petition of his relations, were delivered to them to be privately buried, and not to be set upon the gates of the city. But, says Echard, to the abuse of his majesty's mercy, his friends caused several masses to be said over those quarters, and used other popish ceremonies, and solemnly appointed a time for his interment, from his father's house in Covent-garden; at which time, a pompous funeral was made, and many people followed the corpse to the parish-church, where it was buried. The king hearing of this, was justly displeased, and commanded the coroner of Westminster to take up the body, and deliver it to the sheriff of Middlesex, to be set upon the gates of the city: all which was presently done, according to the usual form and method.

The condemnation and execution of Mr. Staley, continues the same historian, though of a nature remote, was of considerable use to the plot discoverers, and opened a passage to the trial of a more important person, who was likely to be the chief foundation; and this was Mr. Edward Coleman, secretary to the duchess of York, a zealous and active romanist. Upon the first discovery of the plot, Sept. 30th, his house was searched, and his papers seized; though it is believed that he had time enough to convey away all his papers of the two last years, with the book of entries of them. The next day he surrendered himself to Mr. secretary Williamson; and being under examination, he, as sir George Wakeman, seemed to hear the wicked things charged upon him with scorn and indignation, inasmuch that though warrants were drawn up to send him to Newgate, he was only for the time present committed to a messenger to secure him against the first order, but afterwards he was closely confined, and now, on the 27th of November, the very day after Mr. Staley's execution, he was brought to his trial at the King's bench bar, before the same lord chief justice Scroggs, having a jury of very considerable men in Middlesex, who were not so much

as challenged* by the prisoner. The general heads of the charge were, "The conspiring the death of the king; the endeavour of subverting the government of England, and the protestant religion," which treasonable designs were to be made out, partly by witnesses, *vidæ voce*, and partly by letters and negociations, under his own hand, proving a correspondence with several agents for the accomplishing those ends. The living witnesses were the celebrated *dumvirate*, Dr. Oates and captain Bedloe, who were now approaching to the height of their glory, and seemed under the necessity of exerting their utmost powers.

After the indictment had been read to the jury, the recorder addressed the court and jury in a long speech, in which he laid forth the charges which were brought against the prisoner; and was followed by the attorney general to the same purport. When Mr. Attorney had concluded, the prisoner addressed the court, and said—I beg leave that a poor ignorant man, that is so heavily charged, that it seems a little unequal to consider the reason, why a prisoner, in such a case as this is, is not allowed counsel; but your lordship is supposed to be counsel for him. But I think it very hard. I cannot be admitted counsel; and I humbly hope your lordship will not suffer me to be lost by things that myself cannot answer. I deny the conclusion, but the premises are too strong and artificial.

Lord C. J. You cannot deny the premises, but that you have done these things; but you deny the conclusion, that you are a traitor.

Prisoner. I can, safely and honestly.

Lord C. J. You would make a better secretary of state than a logician; for they never deny the conclusion.

Pris. I grant it your lordship: you see the advantage great men have of me, that do not pretend to logic.

Lord C. J. The labour lies upon their hands; the proof belongs to them to make out these intrigues of yours; therefore you need not have counsel, because the proof must be plain upon you, and then it will be in vain to deny the conclusion.

Pris. I hope, my lord, if there be any point of law that I am not skilled in, that your lordship will be pleased not to take the advantage over me. Another thing seems most dreadful, that is, the violent prejudices that seem to be against every man in England that is confessed to be a roman catholic. It is possible that a roman catholic may

* The names of the jurors were, sir *Reginald Foster*, baronet, sir *Charles Lee*, *Edward Wilford*, *John Bathurst*, *Joshua Gilliard*, *John Bifield*, *Simon Middleton*, *Henry Johnson*, *Charles Unfreville*, *Thomas Johnson*, *Thomas Eaglesfield*, and *William Bohee*, esquires. Those printed in Italics appear to have been on the jury which tried Staley.

be very innocent of these crimes. If one of those innocent roman catholics should come to this bar, he lies under such disadvantages already, and his prejudices so greatly biasseth human nature, that unless your lordship will lean extremely much on the other side, justice will hardly stand upright, and lie upon a level. But to satisfy your lordship, I do not think it any service to destroy any of the king's subjects, unless it be in a very plain case.

Lord C. J. You need not make any preparations for us in this matter; you shall have a fair, just, and legal trial; if condemned, it will be apparent you ought to be so; and without a fair proof, there shall be no condemnation. Therefore you shall find, we will not do to you as you do to us, blow up at adventure, kill people because they are not of your persuasion; our religion teaches us another doctrine, and you shall find it clearly to your advantage. We seek no man's blood, but our own safety. But you are brought here from the necessity of things, which yourselves have made; and from your own actions, you shall be condemned or acquitted.

Pris. It is supposed, upon evidence, that the examinations that have been of me in prison, are like to be evidence against me now; I have nothing to say against it; but give me leave to say at this time, that when I was in prison, I was upon my ingenuity charged; I promised I would confess all I knew. And I only say this, that what I said in prison is true, and am ready at any time to swear and evidence, that that is all the truth.

Lord C. J. It is all true that you say: but did you tell all that was true?

Pris. I know no more than what I declared to the two houses.

Lord C. J. Mr. Coleman, I will tell you when you will be apt to gain credit in this matter: you say that you told all things that you knew, the truth, and the whole truth. Can mankind be persuaded that you, that had this negociation in 74 and 75, left off just then, at that time when your letters were found according to their dates? Do you believe there was no negociation after 75, because we have not found them? Have you spoke one word to that? Have you confessed, or produced those papers and weekly intelligences? When you answer that, you may have credit; without that, it is impossible: for I cannot give credit to one word you say, unless you give an account of the subsequent negociation.

Pris. After that time, as I said to the house of commons, I did give over corresponding. I did offer to take all oaths and tests in the world, that I never had one letter for at least two years; yea, that I may keep myself within com-

pass, I think it was for three or four. Now I have acknowledged to the house of commons, I have had a cursory correspondence, which I never regarded or valued ; but as the letters came, I burnt them, or made use of them as common paper. I say, that for the general correspondence I have had for two or three years, they have had every one of them letters that I know of.

Attorney General. Whether you had or no, you shall have the fairest trial that can be. And we cannot blame the gentleman, for he is more used to great affairs, than these matters or forms of law. But, my lord, I desire to go unto evidence ; and when that is done, he shall be heard, as long as he pleaseth, without any interruption. If he desire it, before I give my evidence, let him have pen, ink, and paper, with your lordship's leave.

The recorder then brought forward his witnesses, upon which Oates was first examined, the substance of whose deposition was, 1, That in November, 1677, being brought acquainted with the prisoner by Mr. Keins, then the deponent's confessor, who lodged at the prisoner's house, he carried some letters from him to St. Omer's, in which were treasonable expressions against the king, calling him tyrant, &c. and a letter in latin enclosed to father le Chaise, to whom Oates carried it from St. Omer to Paris, in which there were thanks returned for the ten thousand pounds by him remitted into England, for the propagation of the catholic religion, and promising it should be employed for no other purpose, but for what it was sent, viz. "To cut off the king of England," as appeared by the letter of le Chaise, to which this was an answer, and which Oates saw and read. 2. That Coleman was concerned in the design of killing the king; for when, at the Jesuits' great consult, on the 24th of April, which afterwards divided into several clubs, it was resolved that Pickering and Grove should take off his majesty by shooting or other means: this resolve was communicated to Coleman, in Oates's hearing, at Wildhouse, who did approve thereof, and said "it was well contrived." 3, That in August, 1778, Coleman was present at a consult with the Jesuits and benedictine monks, in the Savoy, for raising a rebellion in Ireland, for which forty thousand black bills as arms, were provided; and was very forward to have Dr. Fogarthy sent over to poison the duke of Ormond: and at another time, being in Fenwick's chamber, Coleman said to him, in Oates's hearing, that he had found out a way to transmit two hundred thousand pounds to carry on the rebellion in Ireland. 4. That in the same month of August, Coleman knew of the four Irish ruffians sent to kill the king at Windsor; and in Oates's hearing, asked father Harcourt, at Wildhouse, what care was taken for

those four gentlemen that went last night to Windsor? who replied, that eighty pounds was ordered them, which he saw there on the table, most of it in guineas; and that Coleman was so zealous, that he gave a guinea to the messenger who was to carry the money, to expedite the business. 5. That in July, 1778, Coleman was privy to the instructions brought by Ashby, rector of St. Omer's, from father Whitbread, to empower the consulters to propose ten thousand pounds to sir George Wakeman, to poison the king, provided Pickering and Grove failed to do the work; that Oates had read and copied those instructions, and transmitted them to several other of the conspirators, who were gathering contributions about the kingdom, who would be more encouraged to give largely, both because they were assured the business would be soon dispatched, and that they might see they had assistance from beyond the seas; and that Coleman was so far from disappointing this treason, that he said it was too little, and that it were well to give five thousand pounds more, to make the business sure. 6. That in April, 1778, Oates saw Coleman's patent or commission, to be secretary of state, from Paulus de Oliva, general of the society of jesuits, by virtue of a brief from the pope, and he knew the hand perfectly well; and that in Fenwick's chamber, he saw Coleman open it, and heard him say, it was a good exchange: last of all, Oates being asked how many came over in April to the grand consult, and how many priests and jesuits had been in England at one time; he said, "he could not exactly remember their number, but to his knowledge there had been in England, at the same time, a hundred and sixty secular priests, eighty jesuits, and by names upon a list, above three hundred."

The second witness against the prisoner was Bedloe, who testified to this effect: 1. That he knew not of any commission to Mr. Coleman; but that sir Harry Tichbourn had told him, that he brought a commission for him to be principal secretary of state, when he brought over the rest of the commissions for the lords and others, from the principal jesuits at Rome, by order of the pope. 2. That in April, 1775, he carried over a large packet of letters from Coleman to father le Chaise, about carrying on the plot, and brought back an answer; and on May 24th or 25th, 1777, he received another packet of Coleman's, to carry to Paris to the English monks; and that he had received money to carry on the design to subvert the government of England, to free England from damnation and ignorance, and free all catholics from the hard tyranny and oppression of heretics. 3. That upon Bedloe's return with answers to the last letters, which were delivered to Coleman by Harcourt, he heard the prisoner, at his house behind *Westminster Abbey*, at the foot of the

staircase, say, "If he had a hundred lives, and a sea of blood, to carry on the cause, he would spend it all to establish the church of Rome in England; and if there were a hundred heretical kings to be deposed, he would see them all destroyed." Upon this strange saying, the lord chief justice questioned the witness. "*Where* was this?" Bedloe, "*At his own house.*" Lord C. J. "*Where?*" Bedloe, "*Behind Westminster Abbey.*" Lord C. J. "*In what room?*" Bedloe, "*At the foot of the staircase.*" Lord C. J. "*Where were you then?*" Bedloe, "*There I was called in by Harcourt, and was as near to him as to my lord Duras.*" (His lordship stood alone by Bedloe in the court.) Prisoner, "*Did I ever see you in my life?*" Bedloe, "*You may ask that question; but in the stone gallery in Somerset-house when you came from a consult, where were great persons, which I am not to name here, that would make the bottom of your plot tremble: you saw me then.*"

The third evidence against the prisoner was his own letters and papers, which were read in court by the clerk of the crown. In one of these letters, written to father le Chaise, he says, "Our prevailing in these things would give the greatest blow to the protestant religion that ever it received since its birth." Afterwards, in another letter, he has these words: "We have a mighty work upon our hands, no less than the conversion of three kingdoms; and by that, perhaps, the utter subduing a pestilent heresy, which has domineered over a great part of the northern world a long time: there never were such hopes of success since the death of our queen Mary, as now in our days." And again he says, "The opposition we are sure to meet with, is also like to be great; so that it imports us to get all the aid and assistance we can, for the harvest is great, and the labourers but few." These were dangerous passages, observes Echard, that had great effect at this critical juncture: though in all the letters, there was nothing found that looked like taking off the king, or making use of any foreign power, besides that of money, of which the largest sum that ever was proposed to the confessor, was three hundred thousand pounds; and at other times much less sums. In short, the criminal part of the letters, excepting the promoting his religion, bore no sort of resemblance or comparison with those matters charged upon the writer by Oates and Bedloe.

The prisoner having been denied counsel, made his own defence. He objected to Oates's evidence, who now pretended to have such intimacy with him, because he told the king and council, "That he never saw him before;" and further, that he did not give the evidence which he now gave before the council, until a considerable time after. Oates excused himself by saying, his sight was bad by candle light;

but when he heard Coleman speak, he could have sworn that it was the prisoner, *but it was not then his business*. In answer to a question from the chief justice, "How he came not to lay a greater charge against Coleman at that time;" Oates replied, "I did design to lay no more to his charge then, than was matter of information." *For prisoners may supplant evidences when they know it, and bring persons to such circumstances, as time and place.* Upon being asked, why he did not accuse Mr. Coleman by name before the council; Oates answered, "For want of memory;" being disturbed and wearied in sitting up two nights, I could not give that good account of Mr. Coleman which I did afterwards, *when I consulted my papers*; and when I saw Mr. Coleman *secured*, I had *no need* to give a further account." Lord Chief Justice. "How long was it between the first charging Mr. Coleman and your acquainting parliament with it?"—Oates. "From Monday, the 30th of September, till parliament sat." (Oates was examined by the commons, on the 24th of October, which made a distance of three weeks.) Lord C. J. "Did the king, or the council, or lord chancellor, ask you, whether you knew Mr. Coleman or no?"—Oates. "They did not ask me." Lord C. J. "Were you demanded if you knew Mr. Coleman?" Oates. "Not to my knowledge." Lord C. J. "Did you ever see him? or how often?" Prisoner, "He said he did not know me." Lord C. J. "You seemed, when I asked you before, to admit, as if you had been asked this question, how often you had seen him, and gave me no answer, because you were doubtful whether it was the man, by reason of the inconveniency of the light, and your bad sight?" Oates, "*I must leave it to the king, what answer I made Mr. Coleman*. He wonders I should give an account of so many intimacies, when I said I did not know him, at the council table." Prisoner, "It is very strange Mr. Oates should swear now, that he was so well acquainted with me, and had been so often in my company, when, upon his accusation at the council table, he said nothing of me more than the sending of one letter, which he thought was my hand." Oates, "I did not say that." Prisoner, "And he did seem to say there, he never saw me before in his life." Lord C. J. "Was he asked whether he was acquainted with you?" (for those words are to the same purpose.) Prisoner, "I cannot answer directly; I do not say he was asked if he was acquainted with me; but I say this, that he did declare he did not know me." Lord C. J. "Can you prove that?" Prisoner, "I appeal to sir Thomas Dolman, who is now in court, and was then present at the council table."

Sir Thomas Dolman was then examined by the court, touching this question.—Lord C. J. "Sir Thomas, you are

not upon your oath, but are to speak on behalf of the prisoner; what did he say?" Sir Thomas Dolman, "That he did not well know him." Lord C. J. "Did he add, that he did not well know him by the candlelight? But, Mr. Oates, when you heard his voice, you said you know him; *why* did you not come then, and say you did well knew him?" Oates, "Because I was not *asked*." Lord C. J. "Did he say he did not well know him *after* Mr. Coleman *spake*? Was Mr. Coleman examined *before* Mr. Oates *spake*?" Sir Thomas Dolman. "Yes." Lord C. J. "Mr. Oates, you say you were with him at the Savoy and Wild-house; pray, sir Thomas, did he say he did not know him, or had seen Mr. Coleman there?" Sir Thomas Dolman, "He did not know him as he stood there." Lord C. J. "Knowing, or not knowing, is not the present question; but did he make *an answer* to the knowing or not knowing him?" Justice Dolben, "Did he say he did not well know Mr. Coleman, or that he did not well know that man?" Sir Thomas Dolman, "*He said he had no acquaintance with that man.*"

With respect to the charge made against the prisoner, of consenting to Wakeman's poisoning the king, Coleman requested to ask Oates whether he knew the particular *day* of the month in August on which the consult was held at the Savoy? To which Oates replied, "I cannot swear the particular day of the month; I cannot so far charge my memory." Being still pressed by the prisoner, to know the day in August, the lord chief justice observed, he saith he doth not remember the day." But Oates replied, "I believe, I will not be positive in it, it was about the 21st day of August." Justice Wild and justice Jones, "Was it in August old stile?" Oates, "Yes." Prisoner, "I can prove I was in Warwickshire at that time. That day he guesseth, the 21st of August, I can make it appear, I was fourscore miles off." Lord C. J. "You will do well to prove you were there when the guinea was given. Will you ask him any more?" Prisoner, "No." Hereupon the following memorable discourse took place between the lord chief justice and the prisoner:—

Lord C. J. You may say as you will, but Mr. Oates doth charge, that expressly in August, (according to the English stile,) you were at this Wild-house, and that he saw fourscore pounds prepared. You, Mr. Coleman, asked the question, what preparations were made for the men going to Windsor? It was answered, fourscore pounds are prepared: and yourself gave a guinea for expedition. *It is a hard matter to press a man to tell the precise day of the month; but positively he doth say it was in August.*

Prisoner. I was two and twenty, or three and twenty days in August last in Warwickshire.

Lord C. J. What have you now more to say?

Pris. My Lord, I never saw Mr. Oates but in the council chamber; I never saw him in Rome; in other parts I never saw the face of him; or knew him in my whole life: nor did I see the other till now in court, as I hope to be saved. And then, my lord, as to their testimony, *neither of them swear the self-same fact.*

Lord C. J. No man shall be guilty, if denial shall make him innocent: they swear to the fact of killing the king; both of them, *and that's enough.* If one saith, you have a plot to poison, that is killing the king; and the other swears a plot to shoot or stab him, that is to the killing of the king also: then here's your undertaking, in your letter, under your hand.

Pris. For treason, with submission to your lordship, I hope there's none in that; though there are very extravagant expressions in it, I hope some expressions explain it, that it was not my design to kill the king.

Lord C. J. No, your design was for the conversion of three kingdoms, and subduing of that heresy that had reigned so long in this northern part of the world; and for effecting whereof, there were never more hopes since our queen Mary's time till now; and therefore pressing the king of France to use his power, aid, and assistance; and does this signify nothing?

Pris. Doth aid and assistance signify more than money? The word aid, in French, is power; they are promiscuous words.

Lord C. J. You are charged to have had a correspondence and agency with foreign powers, to subvert our religion, and bring in foreign authority and power upon us, which must be the necessary consequence: how can this be proved plainer than by your letters, to press the French king that he would use his power.

Pris. Consider the contexture and connexion of things, whether the whole series be not to make the king and the duke, as far as I thought in my power, as great as could be.

Lord C. J. How well or ill you excuse the fault, that's not the question; they relate to the duke most of them, little to the king. You are carrying on such a design, that you intended to put the duke in the head of, in such method and ways as the duke himself would not approve, but reject.

Pris. Do not think I would throw any thing upon the duke, though I might, in the beginning of it, possibly make use of the duke's name; it is possible; they say I did: but can any imagine that the people will lay down money, £200,000 or £20,000 with me upon the duke's name, and not know whether the duke be in it; and consequently no body will imagine the duke would ever employ any sum to

this king's prejudice or disservice while he lived. I take it for granted, which sure none in the world will deny, that the law was ever made immediately subject to the king or duke, and consequently to the duke, I cannot think this will ever be expounded by the law of England, or the jury, to be treason.

Lord C. J. What a kind of way and talking is this? You have such a swimming way of melting words, that it is a troublesome thing for a man to collect matter out of them. You give yourself up to be a great negociator in the altering of kingdoms; you would be great with mighty men for that purpose; and your long discourses and great abilities might have been spared. The thing these letters do seem to import is this, that your design was to bring in popery into England, and to promote the interest of the French king in this place; for which you hoped to have a pension (that's plain.) The duke's name is often mentioned, that's true; sometimes, it appears, it was against his will, and sometimes he might know of it, and be told that the consequence was not great. Now say you these sums of money and all that was done, it did relate to the king or duke, and it was to advance their interest, and you thought it was the way to do it. How can this advance them, unless it were done to do them service; and if they do not consent to it, and how can this be treason, what kind of stuff is this? You do seem to be a mighty agent. Might not you, for a colour, use the duke of York's name to drive on the catholic cause, which you were driven to by the priests mightily, and think to get £200,000 advance money, and a pension for yourself; and make yourself somebody for the present, and secretary of state for the future? If you will make any defence for yourself, or call in witnesses, we will hear them: say what you can, for these vain, inconsequential discourses, signify nothing.

Pris. I have witnesses to prove I was in Warwickshire.

Lord C. J. (to Boatman, a witness.) Where was Mr. Coleman in August last. *Boatm.* In Warwickshire.

Lord C. J. How long?

Boatm. All August, to my best remembrance.

Lord C. J. Can you say that he was in Warwickshire all August? that he was not at London?

Boatm. I am not certain what time of the month he was in London.

Lord C. J. That he was there in August, may be very true; I do not ask how long he was in Warwickshire, but was he *no where else*? (To which the witness could make no positive answer.)

Pris. I was at the Lord Denby's, and at Mr. Francis Fisher's; I was there at least twenty days.

Lord C. J. Have you any more witnesses. *Pris.* None.

Lord C. J. If you have a mind to say any thing more, say what you can.

Pris. I can say nothing more than what I have said. Positively, I say, (and upon my salvation,) I never saw these witnesses, Oates but once, and Bedloe never before.

Sir Francis Winnington, the solicitor general, then summed up the evidence, in which he was followed by serjeant Pemberton. Lord chief justice Scroggs afterwards charged the jury, commenting upon the letters of Mr. Coleman, which, he said, "plainly shews, that our religion was to be subverted, popery established, and the three kingdoms to be converted, that is, indeed, to be brought to confusion. For I say, that when our religion is to be subverted, the nation is to be subverted and destroyed, that is most apparent; for there could be no hope of subverting or destroying the protestant religion, but by a subversion, not conversion, of the three kingdoms. How was it to be done otherwise? Why I would have brought this religion in, says he, by dissolving of the parliament. I would have brought it in by an edict and proclamation of liberty of conscience. In these ways I would have brought it in. Mr. Coleman knows it is not fit for him to own the introducing of his religion by the murder of the king, or by a foreign force. The one was too black, and the other too bloody, to be owned. And few people, especially the English, will be brought to save their lives, as he may do his, by confession of so bloody and barbarous a thing, as an intention to kill the king, or of levying a war; which, though it be not a particular, is a general murder. I say, it was not convenient for Mr. Coleman, when he seems to speak something for himself, as to give such an account, how he would have done it; therefore he tells us, he would have done it by the dissolving of the parliament, and by toleration of religion. Now I would very fain know of any man in the world, whether this was not a very fine and artificial covering of his design for the subversion of our religion. . . . In what way truly did he intend to bring in popery? Why his own letters plainly convict him of one step towards it, in endeavouring with foreign powers to bring in that religion, and to subvert ours. And for the other way of doing it, by killing the king, I leave it to you, whether there were any more probable way than that, indeed, to do it. . . For he that was so earnest for that religion, would not have stuck at any violence to bring it in; he would not have stuck at blood. For we know their doctrines and their practices; and we know well with what zeal the priests push them forward to venture their own lives, and to take away other men's that differ from them, to bring in their religion, and to set up themselves. For indeed in the kingdoms and countries

where popery reigns, the priests have dominion over men's consciences, and power over their purses. And they use all arts imaginable of making proselytes; and take special care, that those in their communion shall know no more than the priests shall give them leave to understand. And for this reason they prohibit the use of all books without their license. This blind obedience begets blind ignorance; and this is a great subtlety of their's to keep them in it, that they may perfectly submit to them. What cannot they command, when they have made others slaves in their understandings, and that they must know no more than what they give them leave to know? But in England it is not so, Mr. Coleman, and therein you would have found a great disappointment. For if liberty of conscience had been tolerated here, that the consequence of it would have been popery, I deny. Nothing is more unlikely; for though in the short reign of queen Mary, popery came in for some time, which was but for a little time, and then the people were not so well grounded in the protestant religion, nor in the principles of it: but now they are, insomuch that scarce a cobbler but is able to baffle any roman priest that ever I saw or met with. And thanks be to God we have a preaching ministry, and the free use of the scriptures allowed amongst us, which they are not permitted to have. And after this, I wonder that a man who hath been bred up in the protestant religion, as I have reason to believe that you, Mr. Coleman, have been; for, if I am not misinformed, your father was a minister in Suffolk. For such an one to depart from it, is an evidence against you, to prove the indictment, I must make a difference between us, and those who have been always educated that way, and so are under the possession of their education, which is a difficult thing to be overcome. And I do assure you there are but two things, that I know of, can make one do it, interest or gross ignorance. No man of understanding, but by bye-ends, would have left his religion to be a papist. And for you, Mr. Coleman, who are a man of reason and subtlety, I must tell you (to bring this to yourself) upon this account, that it could not be conscience, I cannot think it to be conscience. Your pension was your conscience, and your secretary's place your bait. For such men, I say, as have been bred up in the protestant religion and left it, I can hardly presume that they do it out of conscience, unless they do it upon a mighty search, not leaning upon their own understanding and abilities, nor hearing of one side alone. Conscience is a tender thing; conscience will tremble when it leaves the religion it was bred in; and its sincerity is shewn by its being fearful, lest it should be in the wrong. No man may pretend to conscience truly, that takes not all courses imaginable to know the right, before he lets his

religion slip from him. I do acknowledge, many of the popish priests, formerly, were learned men, and may be so still beyond the seas; but I could never yet meet with any here that had other learning or ability but artificial only, to delude weak women, and weaker men. They have indeed ways of conversion and conviction, by enlightening our understanding with a *faggot*, and by the powerful and irresistible *arguments of a dagger*; but there are such wicked solecisms in their religion, that they seem to have left them neither natural sense nor natural conscience. Not natural sense, by their absurdity in so unreasonable a belief as of wine turned into blood: not natural conscience, by their cruelty, who make the protestants' blood as wine, and their priests thirst after it. *Tantum religio potuit suadere malorum?* Mr. Coleman, in one of his letters, speaks of rooting out our religion, and our party; and he is right, for they can never root out the protestant religion, but they must kill the protestants. But let him and them know, if ever they shall endeavour to bring popery in, by destroying of the king, they shall find that the papists will thereby bring destruction upon themselves so that not a man of them would escape. *Ne catulus quidem relinquiendus*. Our execution shall be as quick as their gunpowder, but more effectual. And so, gentlemen, I shall leave it to you, to consider what his letters prove him guilty of directly, and what by consequence; what he plainly would have done, and then, how he would have done it; and whether you think his fiery zeal had so much cold blood in it as to spare any others? For the other part of the evidence, which is, by the testimony of the present witnesses, you have heard them.—I will not detain you any longer, now, the day is going out.”

Mr. Justice Jones. You must find the prisoner guilty, or bring in two persons perjured.

Pris. You were pleased to say to the jury, that they must either bring me in guilty, or two persons perjured. I am a dying man, and upon my death, and expectation of salvation, declare, that I never saw these two gentlemen, excepting Mr. Oates, but once in all my life, and that was at the council table.

Lord C. J. Mr. Coleman, your own papers are enough to condemn you.

The jury then retired, and after a short consultation returned a verdict of *guilty*.

The day following, being November the 28th, Mr. Coleman was brought to the bar, to receive his sentence, and the court proceeded thereupon, as followeth:

Lord C. J. Ask him what he can say for himself. Make silence, cryer.

Court. Edward Coleman, hold up thy hand. Thou hast been indicted of high treason; thou hast thereupon pleaded

not guilty. Thou hast put thyself upon God and thy country, which country hath found thee guilty. What canst thou say for thyself, wherefore judgment of death should not be given against thee, and an execution awarded according to law.

Mr. Coleman. May it please you, my lord, I have this to say for myself: as for my papers, I humbly hope (setting aside oral testimony) that I should not have been found guilty of any crime in them but what the act of grace would have pardoned; and I hope I shall have the benefit of that. The evidence against me, namely, oral, I do humbly beg, that you would be pleased to give me a little time to shew you how impossible it is that those testimonies should be true; for that testimony of Mr. Oates, in August, my man, that is now either in the court or hall, hath gotten a book that is able to make it appear, that I was out of town from the 15th of August to the 31st of August late at night.

Lord C. J. That will not do, Mr. Coleman.

Coleman. I do humbly offer this for this reason; because Mr. Oates, in all his other evidences, was so punctual as to distinguish between old style and new; he never missed the month, hardly the week, and oftentimes put the very day; for his testimony that he gave against me, was, that it was the 21st of August.

Lord C. J. He thought so, but he was not positive, but only as to the month.

Coleman. He was certain it was the latter end of August, and that about Bartholomewtide.

Lord C. J. He conceived so, he thought so.

Coleman. Now if I were always out of town from the 15th day of August to the 31st late at night, it is then impossible, my lord, that that should be a true testimony. Your lordship was pleased to observe, that it would much enervate any man's testimony, if to the whole he could be proved false in any one thing. I have further in this matter to say, besides my man's testimony, the king hath, since I have been seized on, seized on my papers, and my book of accounts, where I used punctually to set down where I spent my money; and if it doth appear, by that book, that I was all those days and times, and several other days in August, to be out of town, I desire no favour. You cannot suppose, my lord, nor the world believe, that I prepared that book for this purpose in this matter; and I can make it appear by others, if I had time; but I only offer this to your lordship, that seeing Mr. Oates did name so many particulars and circumstances, it is very strange that he should fail in a particular of such importance as about killing the king; and no man living of common sense, would think or believe that I should speak about such a thing in company that I did not well know; and this to be done frequently and oftentimes as he asserts it, when Oates seemed to the king and

council, (and I believe the king himself remembers it,) when I was examined, that he did not know me, that he knew nothing of me, so that there are two things against this witness that can hardly happen again. My circumstances are extraordinary; and it is a great providence, and I think your lordship and the whole world will look upon it as such, if for any crimes there are in my papers, if there be any mercy to be showed me by the king's gracious act of pardon, I humbly beg that I may have it.

Lord C. J. None.

Coleman. If none, I do humbly submit; but I do humbly hope, with submission, that those papers would not have been found treasonable papers.

Lord C. J. Those letters of yours, Mr. Coleman, were since the act of pardon; your papers bear date 1674, 1675, and there hath been no act since. But as for what you say concerning Mr. Oates, you say it in vain now, Mr. Coleman, for the jury hath given in their verdict, and it is not now to be said, for after that rate we shall have no end of any man's trial. But for your satisfaction, Mr. Coleman, to the best of my remembrance, Mr. Oates was positive only as to the month of August, he thought it might be about the 21st day, or about Bartholomew-fair time; but he was absolute in nothing but the month.

Coleman. He was punctual in all his other evidences, but in this he was not; and when I was examined at the council table, he said he knew little of me.

Lord C. J. He charged you positively for having held conspiracy to poison the king; and that there were ten thousand pounds to be paid for it; and afterwards there were five thousand pounds more to be added. And he positively charges you to be the person that, amongst all the conspirators, was reputed to pay the five thousand pounds.

Coleman. He said it after such a fashion.

Lord C. J. He said it after such a fashion that sir Robert Southwell and sir Thomas Dolman satisfied us that he did the thing, and that plainly to his understanding; and what say you he said?

Coleman. That he did not know me.

Lord C. J. Neither of them say so, that he said he did not know you, they deny it.

Coleman. He said so upon my death.

Lord C. J. It is in vain to dispute it further, there must be an end.

Cryer, make O yes, our sovereign lord the king doth straightly charge and command all persons to keep silence while judgment is given upon the prisoner convict, upon pain of imprisonment.

Lord C. J. You are found guilty, Mr. Coleman, of high

treason, and the crimes are several that you are found guilty of. You are found guilty of conspiring the death of the king; you are likewise found guilty of endeavouring to subvert the protestant religion, as it is by law established, and to bring in popery, and this by the aid and assistance of foreign powers. And I would not have you, Mr. Coleman, in your last apprehension of things, to go out of the world with a mistake, if I could help it; that is, I would not have you think, that though you only seem to disavow the matter of the death of the king, that therefore you should think yourself an innocent man. You are not innocent, I am sure, for it is apparent, by that which cannot deceive, that you are guilty of contriving and conspiring the destruction of the protestant religion, and to bring in popery, and that by the aid and assistance of foreign powers; and this no man can free you in the least from. And know, that if it should be true that you would disavow, that you had not an actual hand in the contrivance of the king's death, (which two witnesses have sworn positively against you,) yet he that will subvert the protestant religion here, and bring in, consequentially, a foreign authority, does an act in derogation of the crown, and in diminution of the king's title and sovereign power; and endeavours to bring a foreign dominion both over our consciences and estates. And if any man shall endeavour to subvert our religion to bring in that, though he did not actually contrive to do it by the death of the king, or it may be not by the death of any one man, yet whatsoever follows upon that contrivance, he is guilty of; insomuch, it is greatly to be feared, that though you meant only to bring it in by the way of dissolving of parliaments, or by liberty of conscience, and such kind of innocent ways, as you thought; yet if so be those means should not have proved effectual, and worse should have been taken (though by others of your confederates) for to go through with the work, as we have great reason to believe there would, you are guilty of all that blood that would have followed. But still you say you did not design that thing; but to tell you, he that doth a sinful and unlawful act, must answer, and is liable both to God and man for all the consequences that attend it, therefore, I say, you ought not to think yourself innocent. It is possible you may be penitent, and nothing remains but that. And as I think in your church you allow of a thing called attrition, if you cannot with our church have contrition, which is a sorrow proceeding from love, pray make use of attrition, which is a sorrow arising from fear. For you may assure yourself, there are but a few moments betwixt you and a vast eternity, where will be no dallying, no arts to be used; therefore think on all the good you can do in this little space of time that is left you; all is little enough to wipe off (besides your private

and secret offences) even your public ones. I do know that confession is very much owned in your church, and you do well in it; but as your offence is public, so should your confession be; and it will do you more service than all your auricular confessions. Were I in your case, there should be nothing at the bottom of my heart that I would not disclose; perchance you may be deluded with the fond hopes of having your sentence respited. Trust not to it, Mr. Coleman; you may be flattered to stop your mouth, till they have stopped your breath, and I doubt you will find that to be the event. I think it becomes you as a man, and as a christian, to do all that is now in your power, since you cannot be white, to make yourself as clean as you can, and to fit yourself for another world, where you will see how vain all resolutions of obstinacy of concealment, and all that sort of bravery which perhaps may be instilled by some men, will prove. They will not then serve to lessen, but they will add to your fault. It concerns us no further than for your own good, and do as God shall direct you; for the truth is, there are persuasions and inducements in your church to such kind of resolutions, and such kind of actions, which you are led into by false principles and false doctrines, (and so you will find when you come to experience it, as shortly you will) that hardly the religion of a Turk will own. But when christians by any violent bloody act, attempt to propagate religion, they abuse both their disciples and religion too, and change that way that Christ himself taught us to follow him by. It was not by blood or violence; by no single man's undertaking to disturb and to alter governments; to make hurley burleys, and all the mischiefs that attend such things as these are.

“ For a church to persuade men even to the committing of the highest violences, under a pretence of doing God good service, looks not, in my opinion, like religion, but design; like an engine, not a holy institution; artificial as a clock, which follows not the sun but the setter; goes not according to the bible, but the priest, whose interpretations serve their particular ends, and those private advantages which true religion would scorn, and natural religion itself would not endure. I have, Mr. Coleman, said thus much to you as you are a christian, and as I am one; and I do it out of great charity and compassion, and with great sense and sorrow that you should be misled to these great offences under pretence of religion. But seeing you have but a little time, I would have you make use of it to your best advantage; for I tell you, that though death may be talked of at a distance in a brave heroic way, yet when a man once comes to the minute, death is a very serious thing; then you will consider how trifling all plots and contrivances are, and to how little pur-

pose is all your concealments. I only offer these things to your thoughts, and perhaps they may better go down at such a time as this is, than at another; and if they have no effect upon you, I hope they will have some as to my own particular, in that I have done my good will. I do remember you once more, that in this matter you be not deluded with any fantastic hopes and expectations of a pardon; for the truth is, Mr. Coleman, you will be deceived; therefore set your heart at rest; for we are at this time in such disorders, and the people so continually alarmed either with secret murders, or some outrages and violences that are this day on foot, that though the king, who is full of mercy almost to a fault, yet if he should be inclined that way, I verily believe both houses would interpose between that and you. I speak this to shake off all vain hopes from you; for I tell you, I verily believe they would, not you should have any twig to hold by to deceive you; so that now you may look upon it, there is nothing will save you; for you will assuredly die as now you live, and that very suddenly. In which I having discharged my conscience to you as a christian, I will now proceed to pronounce sentence against you, and do my duty as a judge.

“You shall return to prison, from thence to be drawn to the place of execution, where you shall be hanged by the neck, and be cut down alive, your bowels burnt before your face, and your quarters severed, and your body disposed of as the king thinks fit; and so the Lord have mercy upon your soul.”

Coleman. My lord, I humbly thank your lordship, and I do admire your charity, that you would be pleased to give me this admirable counsel, and I will follow it as well as I can; and I beg your lordship to hear me what I am going to say. Your lordship, most christian-like, hath observed wisely, that confession is extremely necessary to a dying man, and I do so too; but that confession your lordship I suppose means, is of a guilty evil conscience, in any of these points that I am condemned for, of maliciously contriving, &c. If I thought I had any such guilt, I should assuredly think myself damned, now I am going out of the world, by concealing them, in spite of all pardons or indulgences, or any act that the pope or the church of Rome could do for me, as I believe any one article of faith. Therefore pray hear the words of a dying man: I have made a resolution, I thank God, not to tell a lie, no, not a single lie, not to save my life. I hope God will not so far leave me as to let me do it; and I do renounce all manner of mercy that God can shew me, if I have not told the house of commons, or offered to the house of commons, all that I know in my whole heart toward this business; and I never in all my life either made any proposition, or received any proposition, or

knew or heard, directly or indirectly, of any proposition towards the supplanting or invading the king's life, crown, or dignity; or to make any invasion or disturbance to introduce any new government, or to bring in popery by any violence or force in the world; if I have, my lord, been mistaken in my method, as I will not say but I might have been; for if two men differ, one must be mistaken; therefore possibly I might be of an opinion, that popery might come in if liberty of conscience had been granted, and perhaps all christians are bound to wish all people of that religion that they profess themselves; if they are in earnest, I will not dispute those ills that your lordship may imagine to be in the church of Rome; if I thought there were any in them, I would be sure to be none of it. I have no design, my lord, at all in religion, but to be saved; and I had no manner of invitation to invite me to the church of Rome, no not one, but to be saved; if I am out of the way, I am out of the way as to the next world as well as this: I have nothing but a sincere conscience, and I desire to follow it as I ought. I do confess I am guilty of many crimes, and I am afraid all of us are guilty in some measure of some failings and infirmities; but in matters of this nature that I now stand condemned for, though I do not at all complain of the court; for I do confess I have had all the fair play imaginable; and I have nothing at all to say against it; but I say as to any one act of mine, so far as acts require intention to make them acts, as all human acts do, I am as innocent of any crime that I now stand charged as guilty of, as when I was first born.

Lord C. J. That is not possible.

Coleman. With submission, I do not say innocent as to any crime in going against any act of parliament, then it is a crime to hear mass, or to do any act that they prohibit; but for intending and endeavouring to bring in that religion by the aid and assistance of the king of France, I never intended, nor meant, by that aid and assistance, any force in the world, but such aids and assistances as might procure us liberty of conscience. My lord, if in what I have said, no body believes me, I must be content; if any do believe me, then I have wiped off those scandalous thoughts and abominable crimes that, &c. and then I have paid a little debt to truth.

Lord C. J. One word more and I have done: I am sorry, Mr. Coleman, that I have not charity enough to believe the words of a dying man; for I will tell you what sticks with me very much. I cannot be persuaded, and nobody can, but that your correspondence and negociations did continue longer than the letters that we have found, that is, after 1675. Now if you had come and shewn us your books and letters, which would have spoken for themselves, I should have

thought then that you had dealt plainly and sincerely, and it would have been a mighty motive to have believed the rest; for certainly your correspondence held even to the time of your apprehension, and you have not discovered so much as one paper, but what was found unknown to you, and against your will.

Coleman. Upon the words of a dying man, and upon the expectation I have of salvation, I tell your lordship, there is not a book nor paper in the world, that I have laid aside voluntarily.

Lord C. J. No, perhaps you have burnt them.

Coleman. Not, by the living God.

Lord C. J. I hope, Mr. Coleman, you will not say no manner of way.

Coleman. For my correspondence these two last years past, I have given an account of every letter; but those that were common letters, and those books that were in my house, what became of them I know not; they were common letters, that I used to write every day; a common journal what passed at home and abroad; my men, they write them out of that book.

Lord C. J. What became of those letters?

Coleman. I had no letters about this business, but what I have declared to the house of commons, that is, letters from St. Germain's, which I owned to the house of commons; and I had no methodical correspondence, and I never valued them nor regarded them, but as they came I destroyed them.

Lord C. J. I remember the last letter that is given in evidence against you, discovers what mighty hopes there were, that the time was now come wherein that pestilent heresy that hath domineered in this northern part of the world, should be extirpated; and that there never were greater hopes of it since our queen Mary's reign. Pray, Mr. Coleman, was that the concluding letter in this affair?

Coleman. Give me leave to say it upon my dying, I have not one letter, &c.

Lord C. J. What though you burnt the letters, you may recollect the contents.

Coleman. I had none since.

Lord C. J. Between God and your conscience be it, I have other apprehensions; and you deserve your sentence upon you for your offences, that visibly appear out of your own papers, that you have not, and cannot deny.

Coleman. I am satisfied. But seeing my time is but short, may I not be permitted to have some immediate friends, and my poor wife to have her freedom to speak with me, and stay with me that little time that I have, that I might speak something to her in order to her living and my dying.

Lord C. J. You say well; and it is a hard case to deny

it; but I tell you what hardens my heart, the insolencies of your party, the roman catholics I mean, that they every day offer, which is indeed a proof of their plot, that they are so bold and impudent, and such secret murders committed by them, as would harden any man's heart to do the common favours of justice and charity, that to mankind is usually done. They are so bold and insolent, that I think it is not to be endured in a protestant kingdom; but for my own particular, I think it is a very hard thing for to deny a man the company of his wife and his friends, so it be done with caution and prudence. Remember that the plot is on foot, and I do not know what arts the priests have, and what tricks they use; and therefore have a care that no papers, nor any such thing, be sent from him.

Coleman. I do not design it I am sure.

Lord C. J. But for the company of his wife and his near friends, or any thing in that kind, that may be for his eternal good, and as much for his present satisfaction that he can receive now in the condition that he is in, let him have it, but do it with care and caution.

Capt. Richardson. What, for them to be private alone?

Lord C. J. His wife, only she, God forbid else. Nor shall you not be denied any protestant minister.

Coleman. But shall not my cousin Coleman have liberty to come to me?

Lord C. J. Yes, with Mr. Richardson.

Coleman. Or his servant; because it is a great trouble for him to attend always.

Lord C. J. If it be his servant, or any he shall appoint, it is all one. Mr. Richardson, use him as reasonably as may be, considering the condition he is in.

Court. Have a care of your prisoner.

On the 3d of December, Mr. Coleman was taken to the place of execution, where he underwent the sentence of the law with great composedness and devotion. Before he suffered, many were sent to him from both houses of parliament, with promises of pardon, if he would make discoveries; but as he had declared his innocence before the court, so he chose rather to die guiltless, than violate his conscience by attempting to save his life by falsehood and perjury. At the place of execution, Mr. Coleman made the following dying declaration. "It is now expected I should speak, and make some discovery of a very great plot. I know not whether I shall have the good fortune to be believed better now than formerly; if so, I do solemnly declare, upon the words of a dying man, I know nothing of it. And as for the raising of sedition, subverting the government, stirring up the people to rebellion, altering the known laws, and contriving the death of the king, I am wholly ignorant of it; nor did I ever think to advance that religion, which people think I am so

zealous of, hereby. I thank God I am of it, and declare I die of it, nor do I think it prejudicial to king or government. But though I am, as I said, a roman catholic, and have been so for many years, yet I renounce that doctrine, which some *wrongfully* say the romish church doth usher in to promote its interest, that kings may be murdered, and the like; I say I abominate it."—Here he was interrupted, and told, if he had any thing to say by way of confession, or sorrow for his guilt, he might proceed; otherwise it was unseasonable to go on. He said, he had nothing to confess, that he had never any intention to subvert the government, or to act any thing contrary to law, but what every man of a contrary religion would do in a peaceable manner, if he could. He added, that the witnesses who swore against him, did him wrong; and as for Bedloe, upon the word of a dying man, he never saw his face before his trial. He also declared, upon the word of a dying man, that he knew nothing of the death of sir Edmundbury Godfrey, for that he was a prisoner at that time.—After some private prayers and ejaculations to himself, he was hanged by the neck, *cut down alive*, and his body quartered.

CHAPTER IV.

The Lords address the King—who issues out a proclamation to reward new discoverers—Bedloe and Oates accuse the Queen—the House of Commons in a flame, and address the King upon it—The King resents Oates's insolent behaviour—the Commons impeach several Lords—The trials of Ireland, Pickering, and Grove—Oates's evidence—Bedloe's evidence—Defence of the Prisoners—Charge of Scroggs—Address of Recorder Jefferies on passing sentence—Execution of the three prisoners—dying speeches, &c. &c

WHEN the two great discoverers, Oates and Bedloe, had once drawn blood, continues Echard, they assumed new courage, and became more formidable to the romish party, and more estimable to the other. They were all along supported by great numbers of both houses of parliament, with different intentions; and particularly the lords, to shew their zeal, by an address obtained a new proclamation from the king, which was issued out the same day that Mr. Coleman was tried, which in these words did declare, "Upon the humble request of the lords spiritual and temporal, that if any person or persons shall, before the twenty-fifth day of December next, make any further discovery of the late horrid designs against his majesty's sacred person and government, to one of his majesty's principal secretaries of state; he or they making such discovery, shall not only receive from his majesty, *for every such discovery*, the reward of *Two Hundred Pounds*, to be immediately paid upon due

proof of the truth thereof; but if he or they were a principal or principals in the said design, or guilty of the former concealment thereof, he or they shall have his *majesty's* gracious pardon for his or their respective offence.

This, observes the historian, gave new encouragment to every bold discoverer, and the same evening, Oates and Bedloe having just before overthrown Coleman, proceeded so far as to accuse the queen herself before the privy council. Bedloe swore "That about the latter end of April was a twelve month, about six in the afternoon, there was a consult held in the chapel gallery, at Somerset house, where were present the lord Bellasis, Mr. Coleman, le Phaire, Pritchard, Latham, and Sheldon, and two Frenchmen in orders, whom he took for abbots, and two other persons of quality, but did not see their faces, and others: amongst them the queen: and further, that Coleman and Pritchard told him, that after the consult, the queen wept at what was proposed there, but was over-persuaded to consent, by the strength of the two Frenchmen's arguments. That he was below, walking in the chapel, in the time of the consult, with others, &c. The queen came through the room where the priests dressed themselves, and that he then observed some alteration in her *majesty's* countenance." Oates backed this with another story, which he swore before the council, namely, in the month of July, this present year, sir George Wakeman, in a letter to Ashby the jesuit, did write, that the queen would assist him to poison the king. That a few days after, father Harcourt and four other jesuits did go to attend the queen at Somerset-house, being sent for, and he himself waited upon them, and they went into a chamber; and while he waited without, he heard a woman's voice, which did say, that she would not endure the violations of her bed, and that she would assist sir George Wakeman in poisoning the king: and that he was afterwards admitted in, and that he saw no other woman there but her *majesty*; and he heard, while he was within, the same voice ask father Harcourt, if he had received the last thousand pounds?

This surprising evidence threw the parliament into a new flame and rage; and the very next day, the house of commons drew up the following address to the king. "We, your *majesty's* most dutiful subjects, &c. having received information by several witnesses, (Oates and Bedloe,) of a most desperate and traitorous design and conspiracy against the life of your sacred *majesty*, wherein, to our great astonishment, the QUEEN is particularly charged and accused; in discharge of our allegiance, and out of our affections and care for the preservation of your *majesty's* sacred person, and, consequently, of the whole kingdom, do most humbly beseech your *majesty*, that the queen, and all her family, and all papists and reputed papists, be forthwith removed

from your majesty's court at Whitehall." Immediately after they came to this grand resolve, "That an humble address be presented to his majesty, that ALL papists and suspected papists, within the several *counties* of England and Wales, and the town of Berwick upon Tweed, *may be apprehended and secured.*" But the king himself was so disoblged at Oates's insolent behaviour,* that he immediately ordered a stricter guard upon him than ever, which occasioned the commons, the day after, to order an address to his majesty, "That the said Oates be freed from his restraint, attended by his own servants, and that a competent allowance be appointed for his maintenance." And thus there appeared a struggle between the king and the commons; but the latter, resolving to make sure of the offenders of the highest rank, who were appointed to be tried the common way, came to this determination, on the 5th of December, "That the house do proceed by way of impeachment of high treason, &c. against the lord Arundel of Wardour, lord Powis, lord Petre, lord Bellasis, and viscount Stafford; accordingly, the next day, they did impeach the said lords, at the bar of the

* Hume, in recording this circumstance, makes the following observations:—"Encouraged," says he, "by this general fury, the witnesses went still a step further in their accusations; and though Oates and Bedloe had often declared, that there was no other person of distinction, whom they knew to be concerned in the plot, they were now so audacious as to accuse even the queen herself of entering into the design against her husband's life. The commons, in an address to the king, gave countenance to this scandalous accusation; but the lords would not be prevailed with to join in the address. It is here, if any where, we may suspect the suggestions of the popular leaders to have had place. The king, it was well known, bore no great affection to his consort; and now, more than ever, when his heir apparent was so much hated, had reason to be desirous of issue, which might quiet the jealous fears of his people. This very haured, which prevailed against the duke, would much facilitate, he knew, any expedient that could be devised for the exclusion of that prince; and nothing further seemed requisite for the king, than to give way in this particular to the rage and fury of the nation. But Charles, notwithstanding all allurements of pleasure, or interest, or safety, had the generosity to protect his injured consort. 'They think,' said he, 'I have a mind to a new wife; but for all that, I will not see an innocent woman abused.' (*North's Examen*, p. 136.) He immediately ordered Oates to be strictly confined, seized his papers, and dismissed his servants; and this daring informer was obliged to make applications to parliament, in order to recover his liberty."—So far Hume.—This truly honourable conduct of Charles cannot be too highly applauded; and it might have been expected, that his rejection of Oates's insolent and traitorous testimony, would, in some measure, awaken the minds of the judges and leaders in parliament, and induce them at least to reflect a little deeper into the absurd and incongruous charges which Oates and his infamous associate had brought against the other innocent victims of this nefarious conspiracy. Instead of this, however, being the case, we find these profligate villains carressed and encouraged from the bench, while the unfortunate prisoners were not only denied counsel, but were checked in their defence, their witnesses browbeat by the court, and insulted and abused by the populace. Such was the state of justice for catholics in those days.

house of peers; but the articles were not exhibited against them this parliament, and the matter was resumed by another house of commons.

In the mean time, Oates and Bedloe fell into further business, by means of the trial of three persons at one time, William Ireland and Thomas Pickering, both priests, and John Grove, a lay brother. These were arraigned on the 17th of December, at the Old Bailey, together with Thomas Whitebread and John Fenwick, two jesuits; but in the course of the evidence, there not appearing sufficient proof against the two last, the jury was discharged of them, and they reserved for another time. The three first were indicted for high treason, and that of the most odious nature, as being actively concerned in carrying on the general plot for subversion of the government, but more especially for the horrid design to murder his majesty's person; Ireland for contriving and consenting to it, and Pickering and Grove for having undertaken and actually attempting to effect it.

The sum of Oates's evidence against the prisoners, waving some particulars already mentioned, was, 1, That at the grand consult of April 24th, at the White Horse, in the Strand, whereof Ireland was one, it was resolved that Pickering and Grove, as having been formerly engaged, should go on in their design and attempt to murder the king; and that Grove, being a layman, should have fifteen hundred pounds for his reward; and Pickering, being a priest, thirty thousand masses, which, at twelve pence a mass, amounted to that sum. 2, That this resolve was the same day drawn up in writing by one Mico, who was secretary to the society, and companion to provincial Whitebread, at the said Whitebread's chamber, who having signed it, it was carried by the deponent Oates, as being a messenger to the consult, to be signed by the rest of the colloquies; and that Ireland in his own chamber did sign it in his presence. 3, Pickering and Grove consented to such resolve, accepted the terms, and also signed it the same day, at the said Whitebread's chamber, at Mrs. Sander's, at Wild-house, where, in a little chapel, they and about forty or fifty of the consulters heard mass, and received the sacrament, administered by one Barton a jesuit, and thereupon took an oath of secrecy upon a mass book, which Mico held, while Whitebread pronounced the words. 4, That in pursuance of this resolve, the deponent did several times see Pickering and Grove walk in the park together, with screwed pistols, longer than ordinary pistols, and shorter than some carabines; that they had silver bullets to shoot with, and that Grove would have had the bullets champed, to render the wound incurable; and that he saw Grove's bullets in May, and Pickering's in August. Moreover, 5, That, before the consult, in the month of March, Pickering had a fair opportunity to

kill the king; but the flint of his pistol happened to be loose, and he durst not venture to give fire; and because by their negligence this opportunity was missed, Pickering underwent penance, and had twenty or thirty strokes of discipline, and Grove was chidden for his carelessness, as the deponent had seen in Whitebread's letters. 6, That Grove did go about with one Smith to gather Peterpence, either to carry on the design, or to send to Rome; that he saw the book wherein it was entered, and he heard the said Grove say, he had been gathering it.

Bedloe was the second evidence who *now* swore, 1, That he was employed for the space of five years as a messenger, by the conspirators, for carrying the letters to their confederates beyond the seas, and bringing others back, all, or most of them, relating to the plot; for he had a way to open and read them, by which he fully informed himself of those matters. And for the nature of the plot, he heard some of the conspirators say, that they would not leave any member of a heretic in England, that should survive to tell hereafter, that there ever was any such religion as the protestant. And to confirm his intimacy with them, he swore the manner of his coming first to be employed by them; by means of the lady abbess of the English nunnery at Dunkirk, who, having kept him six weeks in her convent, recommended him to sir John Warner, as a proper instrument, who afterwards sent him to father Harcourt to be instructed; and as a further confirmation, he brought his brother, James Bedloe, who swore he knew nothing of the plot, but did testify, That he had heard the prisoners often named, as being of his brother's acquaintances; and that he had on his brother's behalf, received several sums of money from priests and jesuits, as fifty or sixty pounds at a time. 2, That about the latter end of August, this year, at Mr. Harcourt's chamber, he met the prisoners, Ireland, Pickering, and Grove, with some others, where he heard them discourse, that since the four Irish ruffians had missed of killing the king at Windsor, Pickering and Grove should go on in their design, and that one Conyers, a benedictine monk, was to be joined with them, and that they should endeavour to assassinate his majesty in his morning walk at Newmarket; that they were zealous in the matter; and that Mr. Grove, more forward than the rest, said, since it could not be done clandestinely, it should be attempted openly, and that those that should fall in the attempt, had the glory to die in a good cause; but if it were discovered, the discovery would never reach so far, but their party would be strong enough to accomplish their work. 3, He swore that Harcourt told him, Grove was to have fifteen hundred pounds, and Pickering as many masses as, at twelve pence a mass, came to the like sum. 4, That at

the same time, when the discourse about killing the king was at Harcourt's chamber, there was likewise a design concerted amongst them of killing several noble persons, and the particular parts assigned to every one; as Knight to kill the earl of Shaftesbury, Pritchard the duke of Buckingham, O'Neile the earl of Ossory, O'Brien the duke of Ormond, &c.

The prisoners, in their defence, made a peremptory denial of the whole of the charges. Whitebread, before he was discharged of the jury, observed to the court, that he was in a very weak and doubtful state of health, and therefore he should be very loath to speak any thing but what was true. "We are," says he, "to prove a negative; and I know it is much harder to prove a negative, than to assert an affirmative. It is not a very hard thing for a man to swear any thing, if he will venture his soul for it; but truly I may boldly say, in the sight of almighty God, before whom I am to appear, there have not been three true words spoken by this witness." (Oates.) To this solemn declaration the lord chief justice said, "Do you hear, if you could *satisfy us* that you *have no dispensation to call God to witness a lie.*" Whitebread, "My lord, I do affirm with all the protestations imaginable." Lord C. J. "But if you have a religion that can give a dispensation for oaths, sacraments, protestations, and falsehoods, that are in the world, *how can you expect we should believe you?*" Whitebread, "I know no such thing—" Lord C. J. "We shall know that presently, before we have done."—Fenwick also, before his discharge, stated, that they could prove by an abundance of witnesses, that Oates was at St. Omers in the months of April and May, when he said he was in London; and offered to produce an authentic writing, under the seal of the college, to testify that Oates was there at that time.—But that latter was overruled by the court as not legal evidence. Mr. Fenwick further observed, that Oates came once to him in a miserable poor condition, and said, "I must turn again, and betake myself to the ministry to get bread, for I have eat nothing these two days;" and that he (Fenwick) gave him five shillings to relieve his present necessity.—This Oates denied, but acknowledged having received twenty, thirty, and forty shillings, at a time, of Mr. Fenwick. Ireland proved, by several witnesses, that he went into Staffordshire on the 3d of August, where he remained till the beginning of September. He also declared, that he had abundance of other witnesses, but that he was expressly denied pen, ink, or paper; nor had he any means to bring them in; and that those witnesses who did appear, were roughly used by the court. Grove and Pickering complained they had no opportunity of sending for their witnesses, and utterly denied every thing that Oates had sworn against them. Grove emphatically declared, as

he had a soul to be saved, he knew nothing of the matter charged upon him; and Pickering affirmed, that he never shot off a pistol in his life. They further endeavoured to blast the reputation of Dr. Oates, but, says Echard, their witnesses, at this time, were so tender and fearful, that they were of little service.*

* Hume, speaking of the trial of these unfortunate men, says, "The only witnesses against the prisoners were still Oates and Bedloe. Ireland affirmed, that he was in Staffordshire all the month of August last, a time when Oates's evidence made him in London. He proved his assertion by *good evidence*, and would have proved it by *undoubted*, had he not, *most iniquitously*, been debarred, while in prison, of all use of pen and ink, and denied the liberty of sending for witnesses. All these men, before they came to the bar, were condemned, in the opinions of the judges, jury, and spectators; and to be a catholic or a jesuit was, of itself, a sufficient proof of guilt. The chief justice in particular gave sanction to all the narrow prejudices and bigoted fury of the populace. Instead of being counsel for the prisoners, as his office required, he pleaded the cause against them, browbeat their witnesses, and, on every occasion, represented their guilt as certain and uncontroverted. He even went so far as publicly to affirm, that the papists had not the same principles which the protestants have, and therefore were not intitled to that common credence which the principles and practices of the latter call for." In confirmation of these observations of the historian, and to shew the gross partiality and scandalous levity of the bench, during the trial of three British subjects for their lives, we lay before the reader the following extracts from the printed copy of the trial. The lord chief justice, addressing himself to Grove, says, Why, do not you know Mr. Oates? Grove. My lord, I have seen him before. Lord C. J. Why this it is, ask a *papist* a question, and you shall have a *jesuitical* answer.—Lord C. J. Now for Mr. Fenwick; Do you know Mr. Oates? Fenw. Yes, my lord, I do. Lord C. J. Were you well acquainted with him? speak plain. Oates, He was my father confessor, my lord. Lord C. J. Was he so? Fenw. I believe he never made any confession in his life. Lord C. J. Yes, he hath made a very good one now. Were you of his acquaintance, Mr. Fenwick? speak home, and don't mince the matter. Fenw. My lord, I have seen him. Lord C. J. I wonder what you are made of. Ask a *protestant*, an English one, a plain question, and he will scorn to come dallying with an evasive answer.—Oates having admitted that Mr. Fenwick had given him twenty, thirty, and forty shillings at a time, but never so little as five, the lord chief justice said to the prisoner, You are more charitable than you thought for. Fenwick observed, that Oates had told him, he had not eat a bit in two days. Oates said, I have indeed gone a whole day without eating, when I have been hurried about your trash; but I assure you, my lord, I never wanted for any thing among them. Perhaps, says the lord chief justice, it was *fasting day*. To which the lord chief baron *wittily* replies, My lord, their fasting days are none of the worst. No, rejoins Oates, we commonly eat best on those days.—After this display of juridical wit, and some further examination of witnesses, the lord chief justice addresses Pickering.—Mr. Pickering, what say you for yourself; you rely upon your masses. Pickering, I never saw Mr. Oates, as I know of, in my life. Lord C. J. What say you to Bedloe, he tells you he was with you in Harcourt's chamber such a day. Pickering, I will take my oath I was never in Mr. Bedloe's company in all my life. Lord C. J. I make no question but you will; and have a dispensation for it when you have done.—As a specimen of the harsh treatment of the witnesses for the prisoners by the court, when Mr. Ireland's sister was called to give

The lord chief justice, in summing up the evidence, told the jury, that though Oates and Bedloe *might be mistaken in point of time*, and Ireland be out of town in August yet that did not entirely destroy their testimony; the *substance* of their evidence *might be true*, though they *had sworn falsely* in this circumstance, and concluded his charge with the following remarkable and violent expressions,—"It is most plain the plot is discovered, and that by these men; and that it is a plot, and a villainous one, nothing is plainer. No man of common understanding, but must see there was a conspiracy to bring in popery, and to destroy the protestant religion; and we know their doctrines and practices too well to believe they will stick at any thing that may effect those ends. They must excuse me if I be plain with them; I would not asperse a profession of men as the priests are, with hard words, if they were not very true, and if at this time it were not very necessary. If they had not murdered kings, I would not say they would have done ours. But when it hath been their practice so to do; when they have debauched men's understandings, overturned all morals, and destroyed all divinity, What shall I say of them? When their humility is such, that they tread upon the necks of emperors, their charity such as to kill princes, and their vow of poverty such as to covet kingdoms, what shall I judge of them? When they have *licenses to lie* and *indulgences for falsehoods*, nay, when they can make *him a saint that dies in one*, and then *pray to him*, as the carpenter first makes *an image*, and after *worships it*, and can then think to bring in that *wooden religion* of theirs amongst us in this nation, What shall I think of them? What shall I say to them? What shall I do with them? If there can be a dispensation for the taking of any oath, and *divers instances may be given of it, that their church does license them to do so*, it is a cheat upon men's souls, it perverts and breaks off all conversation amongst mankind; for how can we deal or converse in the world, when there is no sin but can be indulged; no offence so big but they can pardon it, and some of the blackest be accounted meritorious? What is there left for mankind to lean upon, if a sacrament will not bind them, unless it be to conceal their wickedness? If they shall take tests and sacraments, and all this, under colour of religion, be avoided, and signify nothing, what is become of all converse? How can we think obligations and promises

evidence, she was addressed by the lord chief justice Scroggs in the following words:—"Come, mistress, what can you say concerning your brother's being out of town?" "*How can you remember that it was just the 3d of August?*" To another witness the chief justice says, "Fellow, what town was that in Staffordshire? Tell me quickly."—How different is the language of Scroggs when speaking to the witnesses for the crown. "But, Mr. Oates, pray, Mr. Oates, when was Mr. Cary dispatched away to Rome, and what was his errand?"—*O tempora! O mores!*

between man and man should hold; if a covenant between God and man will not? We have no such principles nor doctrines in our church, we thank God. To use any prevarication in declaring of the truth, is abominable to natural reason, much more to true religion; and it is a strange church that will allow a man to be a knave. 'Tis possible some of that communion may be saved, but they can never hope to be so in such a course as this. I know they will say, that these are not their principles, nor these their practices, but they preach otherwise, they print otherwise, and their councils do determine otherwise. Some hold that the pope in council is infallible; and ask any popish jesuit of them all, and he will say the pope is infallible himself *in cathedra*, or he is no right jesuit. And if so, whatever they command is to be justified by their authority; so that if they give a dispensation to kill a king, that king is well killed. This is a religion that quite unhinges all piety, all morality, and all conversation, and to be abominated by all mankind. They have some parts of the foundation it is true, but they are adulterated, and mixed with horrid principles, and impious practices. *They eat their God; they kill their king; and saint the murderer. They indulge all sorts of sin, and no human bonds can hold them.** They must pardon me if I seem sharp, for a papist in England is not to be treated as a protestant ought to be in Spain; and if ye ask me why, I will give you this reason, we have no such principles nor practices as they have. If I were in Spain, I should think myself a very ill christian, should I offer to disturb the government of the place where I lived, that I may bring in my religion there. What have I to do to undermine the tranquillity and peace of a kingdom, because all that dwell in it are not of my particular persuasion? They do not do so here; there is nothing can quench the thirst of a priest and a jesuit, not the blood of men, nor of any, if he can but propagate his religion, which in truth is but his interest. They have not the principles that we have, *therefore they are not to have that common credence which our principles and practices call for.* They are not to wonder if they keep no faith, *that they have none from others*; and let them say what they will, that they do not own any such things as we charge upon them, and are like to go hard with them; for we can shew them out of their own writings and councils, that they do justify the power of the pope in excommunicating kings, in deposing them for heresy, and absolving their subjects from their allegiance. And the claim of authority, both in pope

* This charge, the reader will observe, was delivered only seventeen days after the passing of that act of parliament which, by means of a simple *test* and *oath*, effectually prevents papists to this day from sitting in parliament, or holding offices under government, because they will not violate the obligations or sanctity of an oath,

and council, is the surest foundation they build upon. I have said so much the more in this matter, because their actions are so very plain and open, and yet so pernicious; and it is a great providence, that we, and our religion, are delivered from blood and oppression. I believe our religion would have stood notwithstanding their attempts, and I would have them to know that we are not afraid of them; nay, I think we should have maintained it by destroying of them. We should have been all in blood it is true, but the greatest effusion would have been on their side; and without it, how did they hope it should have been done? There are honest gentlemen, I believe hundreds, of that communion, who could not be openly won upon to engage in such a design. They will not tell them that the king shall be killed; but they insinuate into them, that he is but one man, and if he should die, it were fit they were in readiness to promote the catholic religion, and when it comes to that, they know what to do. When they have got them to give money to provide arms, and be in readiness on their specious pretence, then the jesuits will quickly find them work. One blow shall put them to exercise their arms; and when they have killed the king, the catholic cause must be maintained. But they have done themselves the mischief, and have brought misery upon their whole party, whom they have insnared into the design upon other pretences than what was really at the bottom. *A popish priest is a certain seducer*, and nothing satisfies him; *not the blood of kings*, if it stands in the way of his ambition. And I hope they have not only undeceived some protestants, whose charity might incline them to think them not so bad as they are; but I believe they have shaken their religion in their own party here, who will be ashamed in time, that such actions should be put upon the score of religion. I return now to the fact, which is proved by two witnesses and by the concurrent evidence of the letter and the maid; and the matter is as plain and notorious as can be, that there was an intention of bringing in popery by a cruel and bloody way; for I believe they could never have prayed us into their religion. I leave it therefore to you to consider, whether you have not as much evidence from these two men as can be expected in a case of this nature; and whether Mr. Oates be not rather justified by the testimony offered against him than discredited. Let prudence and conscience direct your verdict, and you will be too hard for their art and cunning.

The jury having found the prisoner guilty, the recorder, Jeffries, addressed them, previous to passing sentence, in the following insulting and uncharitable language:—"You, the prisoners at the bar, you have been arraigned for a very great offence, for the greatest that can be committed against any authority upon earth, for high treason

against your king, with all the aggravations that possibly can attend so great a crime as that is; for you did not only strike at the life of the best of kings, but you intended the subversion of the best of religions, whatever you may apprehend, yet all men that will lay their hopes of salvation upon any thing that is fit for a man to lay his hopes upon, which is upon the merits of a crucified saviour, and not upon your masses, tricks, or trumperies, do abhor the thoughts of promoting their religion by massacring kings and murdering their subjects. And though we whom you call heretics, abhor to own any such religion, yet we are not afraid to tell you, and all others who are ensnared into your principles, we will maintain the religion and the government as it is established, with our lives and fortunes. And it is fit that it should be known, that we who live under the government of so mild and pious a prince, and in a country where so good, so moderate a religion is established by law, will not be affrighted by all your murders, conspiracies and designs, from declaring, that they who dare kill kings, and massacre their subjects, are the highest violaters, not only of the laws of the land, but of that great law which all good christians and protestants, think themselves obliged to pay great reverence and obedience to, I mean the law of God Almighty himself. Thus I speak to you, gentlemen, not vauntingly, 'tis against my nature to insult upon persons in your sad condition; God forgive you what you have done, and I do heartily beg it, though you don't desire I should; for poor men, you may believe that your interest in the world to come is secured to you by your masses, but do not well consider that vast eternity you must ere long enter into, and that great tribunal you must appear before, where his masses, (speaking to Pickering) will not signify so many groats to him, nor not one farthing; and I must say it for the sake of those silly people whom you have imposed upon with such fallacies, that the masses can no more save thee from a future damnation, than they do from a present condemnation. I do not speak this to you, as intending thereby to inveigh against all persons that profess the Romish religion; for there are many that are of that persuasion, that do abhor those base principles of murdering kings and subverting governments. There are many honest gentlemen in England, I dare say, of that communion, whom none of the most impudent jesuits durst undertake to tempt into such designs; these are only to be imposed upon silly men, not upon men of conscience and understanding. And I pray God, as was said lately by a learned gentleman whom we all know, that all protestants may be as safe from the force of your daggers, as they are from those of your arguments, for I dare say that you could sooner murder any man that understands the protestant re-

ligion, than persuade him to such villainies. And among those many things which prevailed with the honest gentlemen of the jury to convict you of this horrid crime, they could not but take notice, that you (speaking to Ireland) that do pretend to learning, did send into foreign parts, that your fellow jesuits should take care publicly to preach, that the oaths of allegiance and supremacy, by which the common justice of the nation is preserved, signified nothing; which is a strong evidence of your design, not only to murder the king, but subvert the government; for surely the most probable way to do that, is, to asperse those oaths by which all protestant subjects, those whom you call heretics, lie under an obligation of obedience to their prince. And I think it not unfit to tell you, that you had a great favour shewed to you to be tried only for the matters contained in this indictment; for you that are priests must know, that there is a law in the land, that would have hanged you for your very residence here; for if any subject born in England, shall take orders from the see of Rome, and afterwards come into England, and remain here forty days, such, for that offence alone, are made traitors by act of parliament. But you are so far from being under any awe of that law, or submission to it, that you dare not only to live here in despite thereof, but endeavour what you can to overthrow both it and the government itself. You dare conspire to murder the king; nay, not only so, but you dare make your consults thereof public. You dare write your names to those consults. You dare solicit all your party to do the like, and make all the ties of religion and conscience, that to considering christians are obligations to piety and charity, as engagements either to act your villainies, or to conceal them. We think no power can dispense with us whom you call heretics, to falsify our oaths, much less to break our covenant with God in the holy sacrament. But you, instead of making that a tie and obligation to engage you to the remembrance of our Saviour, make it a snare and a gin to oblige your proselytes to the assassinating of kings, and murdering their subjects. I am sorry, with all my soul, that men who have had their education here, and the benefit of the good examples of others, should not only be led into such mischievous principles themselves, but to be of that confidence in their persuasion, as to dare to debauch others also. I am sorry also to hear a layman should, with so much malice, declare, that a bullet, if round and smooth, was not safe enough for him to execute his villainies by. But he must be sure, not only to set his poisonous invention on work about it, but he must add thereto his poisonous teeth; for fear if the bullet were smooth, it might light in some part where the wound might be cured. But such is the height of some men's

malice, that they will put all the venom and malice they can into their actions. I am sure this was so horrid a design, that nothing but a conclave of devils in hell, or a college of such jesuits as yours on earth, could have thought upon.

"This I remember to you for the sake of them that are to live, and for the charity I have for you who are to die: for the sake of them that are to live; for I hope when they hear, that men of your persuasion dare commit those outrageous crimes, and justify them by a principle of religion; they will not easily be seduced into your opinion: and out of charity to you that are to die, to persuade you to a hearty repentance; for, otherwise, I must tell you, thy 1,500*l*. (speaking to Grove) nor thy 30,000 masses (speaking to Pickering) will avail but little. And I thought fit to say this also, that it may be known that you have had the full benefit of the laws established in England, and those the best of laws; for such is not the law of other nations; for if any protestant in any place where the romish religion is professed, had been but thought guilty of such crimes, he had never come to the formality and justice of an arraignment, and to be tried by his peers, permitted to make his defence, and hear what could be said against him; but he had been hanged immediately, or perhaps suffered a worse death. But you are not only beholden to the happy constitution of our laws, but to the more happy constitution of our religion. For such are the admirable documents of that religion we in England profess, that we dare not require massacre for massacre, blood for blood. We disown and abhor all stabbing; and we are so far from reckoning that he shall be a saint in heaven for assassinating a prince, and be prayed to in another world, that the protestant is required to believe, that such that begin with murder, must end with damnation; if our blessed Lord and Saviour do not interpose: nothing that man can do, papist or protestant, can save any man in such a case. We dare not say that our religion will permit us to murder dissenters, much less to assassinate our king.

"And having thus said, let me once more as a christian, in the name of the great God of heaven, beg of you, for your own soul's sake, be not satisfied or over-persuaded with any doctrine that you have preached to others, or imbibed from others; but believe, that no one can contrive the death of the king, or the overthrow of the government, but the great God of heaven and earth will have an account of it, and all pardons, absolutions, and the dispensations that you who are priests can give to your lay brother, or that any of your superiors may give to you, will not serve the turn. And having thus said to you myself, we do also require him whose duty it is to attend in such cases, nay, I do command him in

the name of the court, that he attend upon you to give you all the comfortable assistance that he can for the advantage of your future state; and not only so, but we will certainly take care, that if you will have any others to come to you, they shall. I would not be mistaken, I do not mean any of your priests and jesuits; but if you will have the assistance of any protestant divines, they shall not be denied you. And I hope God Almighty will please to give you pardon in another world, though you have offended beyond hopes of any in this. I once more assure you, all I have said is in perfect charity. I pray God forgive you for what you have done. And so there remains now only for me to pronounce that sentence which, by the law of the land, the court is required to do against persons convicted of that offence which you are convicted of." The recorder then proceeded to pass the usual sentence upon the prisoners, as in cases of high treason.

Mr. Ireland, after his condemnation, being carried back to Newgate, wrote there a journal, which shewed where he was every day, and who saw him from the third of August to the 14th of September, being the time of his absence from London. The chief places were Tixhal, Holywell, Wolverhampton, and Boscobel; the persons that saw him were of great quality, as my lord Aston and his family; sir John Southcot and his family; madam Harwel, and hers; several of the Giffards of Chillington; several of sir John Windford's relations; madam Crompton, and Mr. Biddulph of Biddulph; sir Thomas Whitegrave, Mr. Chetwin, Mr. Gerard, and his family; Mr. Heningham and his; the Penderels of Boscobel, and above 40 more; nor is there one day during the whole time, in which there are not produced above a dozen of these witnesses.

On Friday the 24th of January, 1679, after two reprieves, Mr. Ireland and Mr. Grove were drawn from Newgate to Tyburn, abused all the way, and pelted by the mob, whose insults they endured with a christian and chearful patience. At the place of execution, Mr. Ireland spoke as follows:

"We are come hither, as on the last theatre of the world, and do therefore conceive we are obliged to speak. First then we do confess, that we pardon all and every one whatsoever, that have any interest, concern, or hand in this our death. Secondly, we do publicly profess and acknowledge, that we are here obliged, if we were guilty ourselves of any treason, to declare it, and that if we knew any person faulty therein, (although he were our father) we would detect and discover him; and as for ourselves, we would beg a thousand and a thousand pardons both of God and man; but seeing we cannot be believed, we must beg leave to

commit ourselves to the mercy of almighty God, and hope to find pardon of him through Christ.

"As for my own part, having been twenty years in the Low Countries, and then coming over in June was twelve-month, I had returned again, had I not been hindered by a fit of sickness. On the third of August last I took a journey into Staffordshire, and did not come back to town till the 14th of September, as many can witness, for a hundred and more saw me in Staffordshire, and thereabouts; therefore how I should in this time be acting here treasonable stratagems, I do not well know or understand."

Here one of the sheriffs told him, he would do well to make better use of his time, than to spend it in such like expressions, for nobody would believe him; nor, said he, that we think much of our time, for we will stay, but such kind of words arraign the proceedings of the court by which you were tried.

Then Mr. Ireland proceeded, "I beg of God Almighty to shower down a thousand and a thousand blessings upon his majesty, on her sacred majesty, on the duke of York, and all the royal family, and also on the whole kingdom. As for the catholics that are here, we desire their prayers for a happy passage into a better world, and that God would be merciful to all christian souls. And as for all our enemies, we earnestly desire that God would pardon them again and again; for we pardon them heartily, from the bottom of our hearts; and so I beseech all good people to pray for us, and with us."

Then Mr. Groves said, "we are innocent, we lose our lives wrongfully, we pray God to forgive them that are the causers of it."

Mr. Pickering was reprieved till the 9th of May, either in hopes of his making discoveries, or because the king was very unwilling to consent to his death. But on the day aforesaid he was drawn to Tyburn, and there executed. He expressed a very great joy that he was so happy as to yield up his life to God, in a case where his conscience assured him his religion was his only guilt: and he took it upon his salvation, that he was innocent in thought, word, and deed, of all that was laid to his charge. Being taxed for a priest, he replied with a smile, *no, I am but a lay-brother*. He prayed for his accusers and enemies; and when he was just upon the point of being turned off, being called upon by some to confess his guilt, pulling up his cap, and looking towards them with an innocent smiling countenance, *is this*, said he, *the countenance of a man that dies under so gross a guilt?* And so he ended a pious, religious life with a holy death, and went smiling off the stage; regretted by many, who esteemed him a very harmless man, and of all men

living the most unlikely, and the most unfit for that desperate undertaking of which he was accused. He was of a loyal stock, his father having lost his life in the king's quarrel, during the civil wars.

It is observable, says Echard, that he (Pickering) and the other two before him, perpetually denied their crimes, and insisted upon their innocence to the last moment of their lives; and it is further to be remembered, that it was chiefly upon the trial of these three, that Oates was afterwards convicted of perjury: in which two and twenty witnesses proved that Oates was actually at St. Omers during the grand consult he swore to, and above forty testified that Ireland was in Staffordshire, when Oates swore he was in London. As to Ireland himself, we may here take notice, that the king was so particularly sensible of his innocence, that he frequently expressed his great concern for having consented to his execution; and this we are assured continued with him to his dying day, as the business of the earl of Strafford did with his royal father. But in this, and other executions, he seemed to have found out a more easy way of relieving his conscience, by charging all upon the regular prosecutions, and the legal proceedings against the sufferers, and by occasionally saying, their blood be upon other men's heads and not on mine!

CHAPTER V.

Enquiries into the death of Sir Edmundbury Godfrey—The Earl of Shaftesbury's management—Case of Brumwell and Walters—Of Mrs. Gibbon—And of Francis Corral—Miles Prance, a new discoverer, &c.—He is charged by Bedloe—Examined by the Lords—And managed by Shaftesbury—His discovery to the King and Council—Denies all before them—His barbarous usage in Newgate—Returns to his first evidence—Substance of his strange story—Trial of Green, Berry, and Hill—Prance the main witness—Bedloe's evidence—Defence of the Prisoners—Charge of Scroggs—Condemnation and Execution, with their dying declarations.

AFTER the sudden prorogation of the parliament, continues Echard, the month of January, 1679, was busily employed in court consultations and proclamations, and very much disturbed by new discoverers of the grand plot, and the murder of sir Edmundbury Godfrey, such as Prance, Dugdale, Everard, &c. who out of dread of punishment, or hopes of reward, appeared upon this occasion. The first proved a material and seasonable evidence at this time; especially when it was found so exceeding useful to tack the murder to the plot, and to make one a part, or rather a support of the other. But to shew how he was brought in and induced to make such important discoveries, it is necessary

to look a little back, and take notice of some previous matter, reserved for method and regularity to this place. In order to which, it is to be remembered, that upon the missing of Justice Godfrey, the town was filled with various rumours and surmises of fancy and conjecture about him. Sometimes it was said, he was murdered in Arundel-house: other times, in the lord Bellasis's cellar: and then again, that the duke of Norfolk's coach was seen to come from Primrose-hill the Saturday that he went away. But at last, they pitched upon Somerset-house, and adhered to that place, as a popish palace, though two miles from that where the body was found; and of this, Bedloe, as before-mentioned, was the first public discoverer. The noise of this murder, soon after that of the plot, had such a terrible effect, that the chief promoters of the discovery took the greatest advantages from it; more especially that head of them, the penetrating earl of Shaftesbury, whose indefatigable and indirect endeavours in this matter, we are to take notice of here.

The first was the treatment of the two persons who first discovered sir Edmundbury's cane and gloves, which occasioned the finding the body immediately after, viz. William Brumwell and John Walters, two ordinary persons, the latter a blacksmith, who came that way by accident. Within less than a fortnight after, they were both taken up, and brought before the lords' committee at Wallingford-house, the earl of Shaftesbury being in the chair, where they were examined; and Brumwell *was severely threatened by the said earl*, and committed to Newgate. Walters was more strictly examined *and threatened*, and Titus Oates *was there ready to see if he knew him*; after which he was sent to the Gate-house, where he was fettered and handcuffed, and kept in a dungeon *for three days and nights together*. About ten days after, when Bedloe was opening his discoveries, Brumwell was sent for again, when the lord Shaftesbury declared this man was set on by some great roman catholic to find out the body of sir Edmundbury Godfrey; and if any man ever was hanged, *he should be hanged if he did not discover it*. After which menaces, major Wildman took him into a private place, and there asked him why he would not discover who set him on, for he should have five hundred pounds reward, his life secured, &c.; but he told him plainly, that he had spoke what he knew already, and that he could say no more, nor would he accuse any man falsely. Whereupon he was remanded to Newgate, *and kept nine weeks prisoner*, without suffering any to see him but his wife, who came twice by the permission of the duke of Buckingham. About the same time, Walters was also sent for to the same place, where the lord Shaftesbury took him into a bye closet, and with a pleasing countenance, said;

"Honest Smug the Smith, thou lookest like an honest fellow, thou shalt shoe my horses, and I'll make a man of thee; pr'ythee tell me who murdered this man, and who set thee to find him out? *What papist dost thou work for?*" And thus going on, he answered, "My lord, if I knew yourself had murdered him, I would discover it, though I died for it;" and then he told him, as well as he could remember, for what customers he wrought; whereupon he was re-delivered to the keeper; but upon further consideration, he was called back and discharged.

The next instance was of Mrs. Mary Gibbon, the wife of captain Thomas Gibbon, a gentleman related to sir Edmund-bury Godfrey, and one of his chiefest confidants. When the business of the murder was at the highest before the lords' committees, this Mrs. Gibbon delivered a particular paper to a person of quality, sir John Banks, who delivered the same to the earl of Shaftesbury. The design of it was to shew the melancholy apprehensions of sir Edmund-bury Godfrey, eight or nine days before his death, in which were these words:—Sir Edmund came to her house, and having gone into a chamber with her, and bolted the door, he appeared to be much troubled and out of order. He asked her, if she had not heard that he was to be hanged? For, added he, all the town is in an uproar about me. She asked him for what? To which he replied, that having taken Oates and Tonge's examinations a month ago, and though he had been often at dinner since at my lord chancellor's, and sir William Jones's, the attorney-general, yet he never had discovered the plot they had sworn to. She asked him what plot? And he said that Oates had *forsworn himself*, and it would come to nothing! Upon this paper Mrs. Gibbon was sent for to attend the committee, where the lord Shaftesbury called to her, saying, "You damned woman, what devilish paper is this you have given us in?" Then putting her upon her oath to declare who wrote it, he called her bitch, and other vile names, and threatened her, that if she would not confess that sir John Banks, Mr. Pepys, and Monsieur de Puy set her on to write this paper, she should be torn to pieces by the multitude; threatening her also to have her worried as the dogs worry cats; insomuch that out of fear she fell into fits, and thought she should never have got home, all which she afterwards delivered in upon oath to one of the secretaries of state, with an addition of these words:—I, Mary Gibbon, am indisposed in health, but whether I live or die, in the presence of God and his holy angels, *I do make oath, that this is every syllable true.*

But the most remarkable instance was that of Francis Corral, a common hackney-coachman, who was taken up about a fortnight after sir Edmund's body was found, upon

an officious information of some words he had dropped concerning the carrying of it to Primrose-hill. Whereupon the next day he was carried to Wallingford-house, and being sworn and examined, the lord Shaftesbury, with others, asked him if he carried sir Edmundbury Godfrey to Primrose-hill in his coach, or knew who carried him? To which he answered, that he did not, and that he knew not who did. The lord Shaftesbury said, that if he would swear the truth, he should have five hundred pounds, and laid down some money on the table, promising that he should have a room near the court, if he was afraid of any body that set him to work, and should command a file of musqueteers to guard him, for fear that those that employed him should do him a mischief. He asked, "Who should those be, my lord? Nobody set me at work, nor do I know for what I am brought hither." The earl replied, "We are peers of the land; and if thou wilt not confess, there shall be a barrel of nails provided to put thee in, and roll thee down a hill." The coachman answered, "What would you have me say, my lord? I know nothing of the matter: would you have me to accuse other people, to bring them into my condition?" Upon which his lordship expressly said, "Then thou shalt die. The papists have hired him, and he will not confess." And thereupon a mittimus was drawn, and the poor man committed to Newgate, and *laid in vast heavy irons*, and thrust into the dungeon; where, after he had continued about three or four hours, he was taken out again, but so faint with the closeness and nastiness of the place, that he swooned away, so that they gave him brandy to keep him alive. About three in the afternoon of the same day, he was carried to a house in Lincoln's-inn-fields, where the lord Shaftesbury said to him, "Now, you rogue, here is one that will justify he saw you." And, speaking to a person that stood by, said, "Did not you see him whip his horses, and go down by Tottenham-court?" The man replied, "Yes, my lord." His lordship cried, "Sirrah, sirrah, what is the reason you will not confess, but put us all to this trouble?" The other hastily replied, "What would you have me confess? I know no more than your lordship does, and it may be, not so much." Then said the lord Shaftesbury, "If thou wilt not confess, Richardson, take him away, and *let him be starved to death.*" With which the poor man wept. "Ah rogue, (said the earl) there is never a tear comes down." Upon which he with imprecations told his lordship, that he knew no more than the child that is unborn. "*That is a popish word,*" replied my lord; "he has consulted with the papists, and will not confess; so Richardson take him away, and *let him be starved to death.*" Accordingly he was carried to Newgate, and *kept in great irons in the condemned hole,*

from Thursday evening till Sunday noon, without any thing to eat or drink; which put the poor creature into such despair, that he said, if his knife had not dropt out of his hand, he had killed himself.

On Monday morning the same man was carried to the house of lords, and so to the secret committee, where he saw the same lords as before, and the earl of Shaftesbury with a pleasing countenance said, "Come, thou lookest like an honest fellow, tell us the truth, and thou shalt have the same reward that was promised thee at Wallingford-house, and then thou shalt go presently home to thy wife and children, and we will secure thee from any harm. What dost thou say to us all? Now speak." Whereupon the poor man fell down upon his knees, and said, "I know nothing of it, and before I wrong any man, I will die immediately." The lord Shaftesbury, changing his tone, said, "Thou art such a peremptory rogue, thou shalt go back to Newgate and rot there awhile, and thou shalt be brought to be tried at the sessions, and then there will come enough against thee, and thou shalt be hanged. Hadst thou not better confess the truth, and have that money, than be brought before the judges, and be condemned to be hanged? It will be a dreadful hearing for thee." "Yes, my lord, (cried the other) I know it will be a dreadful hearing. But, my lord, it will be a more dreadful hearing, for me, at the Lord's bar, if I should wrongfully accuse any man; it will be a more dreadful hearing, when it shall be said, Take him away, devil, for he has falsely accused those he knew no hurt by." Whereupon the lord Shaftesbury said, "I see we can do no good with him; take him away, and *let him lie there and rot.*" The poor man pleaded that he had a wife and children. The lord Shaftesbury answered, "*Let his wife and children starve.*" In fine, the coachman *lay in the condemned hole, with heavy irons, six weeks and three days, and afterwards seven weeks on the common side upon boards, without irons.* At length, when another swore that sir Edmund's body was carried on horseback, upon good security the man was discharged; but *his legs were so galled and eaten up with the irons, that he was not able to drive a coach till eight weeks after he had his liberty.* Such, observes Echard, *were the arbitrary proceedings of the great pretenders against arbitrary power.*

At last they accidentally found or met with a man who

"Though Bedloe," says Hume, "had given information of Godfrey's murder, he still remained a *single* evidence against the persons accused; and all the *allurements of profit and honour* had not hitherto tempted any one to confirm the testimony of that informer. At last, *means were found* to complete the legal evidence. One Prance, a silversmith, and a catholic, had been accused by Bedloe of being an accomplice in that murder; and upon his denial had been thrown into prison, loaded with

very much, if not fully, answered their ends and purposes,* the forementioned Miles Prance, a goldsmith in Princess-street, and a papist well known in Somerset-house, where he had sometimes worked for the queen in her chapel. This man, who had shewn himself a friend to the plotters, had the ill fortune to have a lodger in his house, one John Wren; that was fourteen months rent in arrear; and pressing him for the money, he was observed to use threatening words against his landlord, and shortly after, the loss of a tankard, which was never found again, caused a new quarrel between them. Upon the 20th of December, Prance had his rent paid him: but was taken up the next morning by a warrant from the council, at the instance and complaints from Wren and others, upon a suspicion of being privy to the murder of sir Edmundbury Godfrey; and it was suggested in the information, that Prance lay out of his house some nights while sir Edmund was missing. His dealings with Grove, his brother being a priest; Pickering and Ireland having been at his house; his hiring a horse to go out of the town, &c. made the matter appear so probable, that Wren and two others put in for the five hundred pounds promised in the king's proclamation. Prance was carried away in custody into a little room with a lobby by the house of commons, into which several went out of curiosity, and among the rest the discoverer Bedloe, who staring about him, enquired privately which was the prisoner, and finding the man, he immediately retired. After some hours waiting, they carried Prance to an eating house called heaven, and into a room where Bedloe was purposely planted by sir William Waller and others, when of a sudden he started up, and with a cursed oath cried out, "This is one of the rogues that I saw with a dark lanthorn about the body of sir Edmundbury Godfrey, but he was there in a perriwig."

heavy irons, and confined to the condemned hole, a place cold, dark, and full of nastiness. Such rigours were supposed to be exercised by orders from the secret committee of lords, particularly Shaftesbury and Buckingham, who, in examining the prisoners, usually employed (as 'tis said, and indeed *sufficiently proved*) threatnings and promises, rigour and indulgence, and every art, under pretence of extorting the truth from them. Prance had not courage to resist, but confessed himself an accomplice in Godfrey's murder. Being asked concerning the plot, he also thought proper to be acquainted with it, and conveyed some intelligence to the council. Among other absurd circumstances, he said, that one Le Fevre bought a second-hand sword of him; because he knew not, as he said, what times were at hand: and Prance expressing some concern for poor tradesmen, if such times came; Le Fevre replied, that it would be better for tradesmen if the catholic religion was restored: and particularly that there would be more church work for silversmiths. But all this information, with regard to the plot as well as the murder of Godfrey, Prance solemnly retracted, both before the king and the secret committee. And being again thrown into prison, he was induced, by *new terrors and new sufferings*, to confirm his first information, and was now produced as a sufficient evidence."

Prance was carried from thence to the committee of lords, and while he was waiting to be called, Wren came to him and said, "Now is your time to confess, or you are ruined," speaking of Godfrey's murder. Coming before the lords, Bedloe directly charged him with the murder, and Wren with being out of the house while the body was missing. But being examined upon oath, he positively denied all, and wished damnation to himself if he knew any thing of the murder, or if he ever saw Bedloe, and objected against Wren as an incompetent witness. He acknowledged indeed that he had been a papist, but was now a protestant, and had taken the oaths; that he had wrought in his trade for Grove, Pickering, Fenwick, and Ireland; that the Sunday after those persons were taken up, he said in a coffee-house they were very honest men, which some people took offence at; that he kept out of the way for fear of being questioned, but never lay out of his house but three nights in two years; that he did not go to the queen's chapel once a month. He denied the hiring a horse at first, but confessed it afterwards; and that it was not to avoid the oaths, but an arrest staid him in town. That he lay at a neighbour's house on Monday, when sir Edmund was missing; that he never wore a wig in his life; that he neither knew Bedloe, Walch, Pritchard, nor Le Phaire, with some inferior matters. In sum, he, with execrations, denied both the plot and the murder. After his examination, which gave no satisfaction, he was sent to Newgate, and there was committed to the condemned hole, loaden with heavy irons, and for that night was left to consider what further answers to make, and whether he would venture his soul or his body.

The next morning early, being Sunday, there came a person to him wholly unknown, who laid down a paper upon a form just by him, and so retired; and soon after another came with a candle, who set it down and left him. By that light he read the paper, wherein he found the substance of the following minutes:—So many popish lords mentioned by name—fifty thousand men to be raised—commissions to be given out—officers appointed—Ireland acquainted with the design—Bedloe's evidence as to the murder, was summed up and abstracted in it; and there were suggestions in it, that he must undoubtedly be privy to the plot, with words to this effect:—You had better confess than be hanged. Prance presently imagined this to be a contrivance of the lord Shaftesbury, and designed for hints to what he was to swear, all which were the very points of Bedloe's depositions; and as Bedloe was to second Oates in the one, so Prance was to second Bedloe in the other. Prance pondered for some hours upon the heads of this paper, and the circumstances of his condition; and what with the noisomeness of the place, the cold of the season, the weight of his chains, the sense of

his misery, and the dread of death, he took the most immediate care of the safety of his body, and begged of the master of the prison to carry him to the earl of Shaftesbury's, under pretence of matters of great moment to communicate to his lordship. The master, captain Richardson, gave the earl an account of it, and thereupon received a particular order to bring him to Shaftesbury's house to be further examined. He was carried thither between five and six the same evening, and there continued till about eleven that night. As soon as he appeared, he was called into a low parlour, where was the earl and three more, and there strictly examined upon the points of the paper, and threatened with certain death if he did not confess; and further, if we may believe Prance himself, the lord Shaftesbury told him, that there were great ones concerned, and he must discover them too, for the little ones should not serve his turn; calling him rogue and rascal several times for crossing Bedloe's evidence, and saying there must be great persons in it, reflecting upon the queen and the duke of York, bidding him not spare the king himself; saying, likewise, that the body was laid under the altar, &c. However it was, Prance yielded to the menaces, and so framed a discovery in part, with a promise to speak out more at large, if he might have his pardon. Whereupon there was a paper drawn up, which being signed by the prisoner, he was returned to the place from whence he came.

Prance having proceeded so far, and information given to the house of lords how willing he was to make discoveries, if he might be assured of the king's pardon, their lordships made application to his majesty for a full and general pardon; and on the same day, December the 23d, ordered, That certain lords should acquaint Miles Prance, in Newgate, that afternoon with his majesty's gracious assurance; and that they should then and there examine him thoroughly, in order to a true and perfect discovery; and that care should be taken that no other person, lord or commoner, should be present at the said examination, but the said lords and the prisoner. On the same day, the house of commons ordered, that the committee of secrecy do repair to the prison, and take the examination of Mr. Prance touching the plot, and the murder of sir Edmundbury Godfrey; and that they do impart to the prisoner in Newgate, the contents of his majesty's proclamation, in relation to the discovery of the plot, &c. After he had been plied by these two committees with all strictness and severity, their encouragement and the assurance of pardon had so ripened him, that the next day he was fit to be examined before the king and council, before whom he was very particular about the murder of sir Edmundbury Godfrey, and directly accused five persons as actually present at the murder; as father Girald and father

Kelly, two Irish priests; Robert Green, cushion man to the queen's chapel; Lawrence Hill, servant to Dr. Godden, treasurer of the chapel; and Henry Berry, porter of Somerset-house; besides others more remotely concerned, as father Lewson, Vernatti, &c. Being asked why he gave so different a relation to the committee of lords from what he now so freely confessed; he answered, he was in much confusion before the committee, being not sure of his pardon; but now being sure, and upon his oath, did speak the whole truth according to his knowledge. And being then further asked why he came not in upon the proclamation and reward thereof, he said he was afraid to trust to it. After several questions, he was still so particular as to the circumstances of time, place, and manner, that the king appointed the duke of Monmouth, and the earl of Ossory, with Mr. Vice-chamberlain, to take Prance's information at Somerset-house, from place to place where the things were acted, which they performed with great diligence; in which examination Prance was very punctual in naming and shewing some of the rooms; but so uncertain and dubious in some particulars, especially about the chief room, that when the duke of Monmouth privately asked the earl of Ossory what he thought on it, he answered, IT WAS ALL A GREAT CHEAT.

The council sat again in the afternoon, and Prance was confronted with Green, Berry, and Hill, who denied every syllable of the charge, and Prance stood as stoutly to every point of the accusation. After which, he was sent back to Newgate for four or five days, with his irons sometimes off and sometimes on, according as he was in a discovering temper; during which time, he was often visited by *members* of both houses, who sometimes *severely threatened him*, when his evidence did not agree with Bedloe's, and particularly because he would not own the perriwig which Bedloe had first mentioned. Upon Sunday, the 29th of December, he was again examined before the king in council; but before he was brought before the board, he made it his request that he might first wait upon the king himself, upon which captain Richardson was ordered to carry Prance to Mr. Chiffinch's lodgings, where his majesty came, and took him into a room by himself. After a short time, the king opened the door, Prance being then upon his knees, and bad Mr. Chiffinch and captain Richardson to take notice of what Prance said; who being called upon to speak out plainly, he declared, *that the men he had sworn against were all innocent*, and that all he had sworn against them *was false*; which he affirmed with great passion and earnest asseveration. Upon which the king pressed him in these very words: "Upon your salvation, is it so?" He replied, "*Upon my salvation, the whole accusation is FALSE.*" He was from

thence carried to the council, where, falling down upon his knees also, *he declared to the same effect.* Upon which he was asked, what inducement he had to his former story? Why he swore against those persons? Who put him upon it? He said, nobody prompted him; he only knew the men he swore against; he never saw Bedloe before he was taken up; *he knew nothing of the plot nor of the murder;* all he had sworn was false; he was never guilty of any man's blood, and could not rest for the story he had told: but Wren owed him money, and threatened him because he dunned him for it, and so haired him into it. This was a great surprise to the council, and some there were that called him *a thousand villains and apostates, and threatened to shew him the rack;* and the duke of Monmouth said, "Certainly they have let priests and jesuits come to him, he could never have gone off as he did else." The very next day he was likewise brought before the king and council, where he finally persisted in the same story, and was remanded to Newgate; first declaring, that he had no other hints to the story he had told them, than what he took from the forementioned paper of instruction that was laid by him in the condemned hole in Newgate.

Prance, excepting just after his return, stood firm and immoveable in his denial, against all terrors and temptations, for about twelve days, from the 29th of December to the 11th of January following, during which space of time his usage was barbarous, and more like the Romish inquisition, says Echard, than the methods of a free nation. For nine days at least his case was deplorable; and what with the deadly cold and nastiness of the place, the distress of his condition, the agony of his thoughts, under the horror of bringing new guilt upon his conscience, and the galling weight of his irons, he lay in such torments both of body and mind, that he spent his hours in roaring and groaning, frequently and pitifully crying out, "*Not guilty, not guilty! no murder, no murder!*" He used the same outcries, or clamours to that effect, so often, that the imposers had no way to cover the scandal and the inhumanity of this treatment, but either by imputing the anguish of a wounded conscience to the ravings of a distempered brain, or by converting the marks of a true repentance into the story of a counterfeit madness. But when things were at the worst, Prance was now and then, as the good humour prevailed, eased of his irons, comforted with good words and promises, and no artifice omitted for the bringing him to a proper understanding. The keepers were then under the sole direction of a certain ambulatory committee, when and in what degree to squeeze, to pinch, to ease, to shackle, to comfort, or to torment their prisoners: and most things were done according

to the particular orders of that cabal. It would be too tedious to recite all the sufferings of this unfortunate man, who being unable to hold out as Corral had done, and finding his life in the same danger with those he had accused, he at length submitted to the temptation; and upon a new assurance of pardon, he promised to stand by his former evidence. Immediately upon this, on the 11th of January, his irons were knocked off, and he was removed from hard boards and a dismal cold room, to a fine lodging and a curious bed, with a variety of the best meats and drinks. Here, having pen, ink, and paper, and the assistance of his friend, one Mr. Boyce, he finished his story, and was prepared for being a complete evidence against Green, Berry, and Hill, who were shortly after to come upon their trials.

Prance and Bedloe had given in *very different* accounts of the murder; but now Prance's story was more fixed and regular, and was to stand *good* against *all* others; while Bedloe's was to be rather by way of *supply* and *confirmation*. Prance's story, which took so much with the belief of the nation, was to this effect:—Girald, Kelly, Green, Berry, Hill, and Prance, with the approbation of some others, after several consultations, had resolved to murder sir Edmundbury Godfrey, as being a bitter persecuter of the Catholics, an active discoverer of their designs, and a particular enemy to the queen's servants. Thus determined, on Saturday, the 12th of October, Hill went to sir Edmundbury Godfrey's house in the morning, and talked with him in private. Then, taking his leave, he went to Girald and Green, and with them staid hard by, waiting for the gentleman coming out, which he did about ten or eleven, all alone as usually. They dogged him to several places, till about six or seven in the evening, when Green went to Prance's house, and told him they had set him near St. Clements, and that Prance must make all haste to the watergate at Somerset-house, where he should find Kelly and Berry; which he did, and they three waited there till about nine o'clock. When of a sudden Hill came running, and said he was coming, and they must pretend a quarrel, and he would fetch him in. While Kelly and Berry were in a seeming scuffle, Hill at the gate stopped sir Edmundbury, and entreated him for God's sake to come in, for two men were quarrelling, and he was afraid there would be bloodshed. The gentleman, being a magistrate, did at last consent, and Hill entered the gate first to shew him the persons, and after them followed Girald and Green, while Prance watched the water-gate, and Berry was to secure the passage by the chapel. But first he and Kelly, the pretended combatants, stood about the end of the rail by the queen's stables; and as sir Edmund went down towards them, Green suddenly threw a twisted handkerchief about

his neck, and immediately all four pulled him down and strangled him, so as he could make no noise; after which they threw him behind the rail, and gave him some violent punches on the breast with their knees, and Green with all his force wrung his neck almost round. Prance and Berry being come to them, when he was quite dead, they all helped to carry the body in to Dr. Godden's lodgings, where Hill lived, and where they brought him up five or six steps, into a little room on the right hand, and there left him that night, and Sunday all day and night. On Monday night, Hill and some others removed him into a room in the upper court, where Prance was shewn the body by the light of a dark lanthorn, and where Bedloe swore he saw Prance. On Tuesday night they carried him to another room in the long entry, over against Dr. Godden's lodgings; and on Wednesday night they removed it to the little room where it was first laid. Having kept the body above four days and nights, Girald and Kelly advised to carry it into the fields, and leave him run through with his own sword, that he might be supposed to have murdered himself, and therefore his money, rings, &c. were all to be left with him. This being agreed, they resolved to carry him out that night; and accordingly Hill procured a sedan, or chair, into which they put the body about twelve o'clock. Berry, the porter, having invited the centinels into his house, opened the gate, and Prance and Girald carried out the sedan. Thus, sometimes they two, and sometimes Kelly and Green, carried it towards Soho fields, hard by the Grecian church; and there Hill attending with a horse, they set the body up before him, and left the sedan in some unfinished buildings in that place; whereupon Girald said, "I wish we had a hundred such rogues as secure as this." Then Prance, being a housekeeper, returned home; and the other four went on, one leading the horse, Hill riding and holding the body, and the other two walking by. They carried him to a place called Primrose-hill, about two miles out of town, where they left him in a ditch, with his own sword run through his body by Girald himself, in the exact posture of one that had murdered himself. This story, which afterwards met with insuperable difficulties and *inconsistencies*, and at present had a *wonderful effect upon the nation*, was asserted with such pretences and circumstances, and so plausibly connected and united with the grand plot, that it was *dangerous* for any man to suspect the *truth* or the *probability* of it.

All this while the king was under no small perplexities about the plot, the murder, &c.: but he acted as one that believed all, and was frequently issuing out proclamations against the papists, who, immediately after the prorogation of the parliament, flocked to London and Westminster in

great numbers, and began to talk with unusual boldness about the present times. The first proclamation was dated January 3, which declared, That whereas several popish recusants, and persons reputed to be such, had, since the late prorogation of the parliament, taken the boldness to resort to the said cities of London and Westminster, his majesty was most highly offended with their presumption, and did order, that a diligent and speedy search and enquiry should be made after them, and they should be proceeded against with the utmost severity. On the 11th of January his majesty was pleased to publish another proclamation, commanding the immediate return of all his majesty's subjects who were in foreign seminaries, offering pardon to those who shall obey, and forbidding all relief and maintenance to be sent to them that stay, according to the statute made 27th of Elizabeth. About this time, continues the historian, Come in Herefordshire was said to be discovered to be a college of jesuits; and Mr. Stephen Dugdale, formerly servant to lord Aston in Staffordshire, came in and made a considerable discovery: whereupon, on the 15th of January, there came out a third proclamation, against Francis Evers, alias Eurie, of Tixal, in the county of Stafford; John Gaven, late of Wolverhampton; Vavasor, alias Gifford, late of Boscobel; Edward Levison, late of Wilnot, all jesuits; and Broadstreet, late of Hore-cross, a popish priest; being all charged to be guilty of the popish plot; and a promise of a hundred pounds to any that would apprehend Evers, and fifty pounds for each of the rest. Of these, Gaven was soon after taken into custody, but the rest absconded.

Upon the unexpected dissolution of the famous long parliament, which took place on the 27th of January, 1679, the whole nation was in a sudden ferment, and all were violently engaged in the new elections, upon the writs issued out the 25th of January.* Most of the *dissenters* were trans-

* Speaking of the new elections occasioned by the calling of this parliament, Hume makes the following remarks:—"The blood already shed on account of the popish plot, instead of satiating the people, served only as an *incentive to their fury*; and each conviction of a criminal was hitherto regarded as a new proof of those horrible designs, ascribed to the papists. This election is perhaps *the first* in England, which, since the commencement of the monarchy, had been carried on *by a violent contest between the parties*, and where the court interested itself, to a high degree, in the choice of the national representatives. But all its efforts were fruitless, in opposition to the torrent of prejudices, which prevailed. Religion, liberty, property, even the lives of men, were now supposed to be at stake; and no security, it was thought, except in a vigilant parliament, could be found against the impious and bloody conspirators. Were there any part of the nation, to which the ferment, occasioned by the popish plot, had not as yet propagated itself, the new elections, by interesting the whole people in national concerns, tended to diffuse it into the remotest corner; and the consternation, universally

ported at the dissolution, and many of them and their friends exerted themselves in the elections after an extraordinary manner, having a hopeful prospect of a new struggle, either for a superiority in the legislature, or an equal establishment as to religion. They knew, says Echard, how to make all the advantages of the popish plot, and generally falling into the wishes and endeavours of a zealous prosecution of it, became thereby the more popular; and they now had the happy opportunity of making the world believe, that they were the chief assertors of *English liberty*, and the reformed religion; and those members of each house, who were thought to be in their interest, had now the advantage of being esteemed the greatest patriots, and the better friends of the protestant religion; while many of those who were more professedly for an established church of England, were drawn into the measures of the court, and into the personal interest of the duke of York, and thereby fell into the odious character of being popishly affected, and the promoters of arbitrary power.

What added to the ferment of the times, and the horror of the people, was the conviction of the three reputed murderers of sir Edmundbury Godfrey, Green, Berry, and Hill, excited, proved an excellent engine for influencing the electors. *All the zealots of the former parliament were re-chosen; new ones were added: the presbyterians in particular, being transported with the most inveterate antipathy against popery, were very active and successful in the elections. That party, it is said, first began at this time the abuse of splitting their freeholds in order to multiply the votes of electors.* By accounts, which came from every part of England, it was concluded, that the new representatives would, if possible, exceed the old in their refractory opposition to the court, and FURIOUS PERSECUTION of the catholics. The king was alarmed, when he saw so dreadful a tempest arise from such small and unaccountable beginnings. His life, if Oates and Bedloe's information was true, had been aimed at by the catholics; even the duke's was in danger: the higher, therefore, the rage mounted against popery, the more should the nation have been reconciled to these two princes, in whom, it appeared, the church of Rome reposed no confidence. But there is a sophistry which attends all the passions; especially those into which the populace enter. Men gave credit to the informers, so far as concerned the guilt of the catholics: but they still retained their old suspicions, that these religionists were secretly favoured by the king, and had obtained the most entire ascendancy over his brother. Charles (continues this historian) had too much penetration not to see the danger to which the succession, and even his own crown and dignity now stood exposed. A numerous party, he found was formed against him; on the one hand, composed of a populace so credulous from prejudice, so blinded by religious antipathy, AS IMPLICITLY TO BELIEVE THE MOST PALPABLE ABSURDITIES; and conducted, on the other hand, by leaders so little scrupulous, as to endeavour, BY ENCOURAGING PERJURY, SUBORDINATION, LYES, IMPOSTURES, AND EVEN BY SHEDDING INNOCENT BLOOD, to gratify their own furious ambition, and subvert all legal authority." So far Hume, who, it may be observed, was no friend to the Catholics or their religion.

who were tried on the 10th of February, at the king's-bench bar, before the lord chief justice Scroggs, with as much expectation and concourse as the greatest of the plotters. Here Oates had but a small share, who swore only to the fears and apprehensions of sir Edmundbury, a little before the murder; as, that he told him, that he went in the fear of his life by the popish party; and when he advised him to take his man always with him, he said, no, he did not fear them, if they did but come fairly. This evidence was confirmed by one Mr. Robinson, who testified he heard him say, that he believed he should be the first martyr. But Prance's evidence was large and full, and he told the whole story at length, as we have already recited it; and was so positive and particular, that it was sufficient alone to convict the prisoners. And yet he was put to two difficulties in the trial, which at another time could not be so easily conquered. The first was that obvious one of his recanting and denying all before the king and council; but in this he was not *a little helped out by the court*; and it was alleged, that all that was nothing but an unusual fear, and a want of full assurance of his pardon. The second was upon his being asked by Mrs. Hill, upon oath, whether he had not been tortured in Newgate, since several had heard him cry out in that place? The poor man, to support the credit of his evidence, was forced to disown all his barbarous usage, and to say, that captain Richardson had used him as civilly as any man in England, and that all the time he was there he wanted for nothing; and all directly contrary to sufficient proofs that were made to appear afterwards.

The next witness was Bedloe, the first discoverer, whose evidence before the lords was, That Le Phaire, Walsh, Prichard, Keins, &c. had wheedled sir Edmundbury Godfrey into Somerset-house court, under the pretence of taking some principal plotters; and after a turn or two, and the pretence of sending for a constable, they shoved him into a room, presented a pistol to him, if he made any noise, but would do him no hurt, if he would send for his examinations; which he refusing to do, they stifled him between two pillows; and after that, upon finding some life in him, they strangled him with a long cravat. But now it was necessary to omit several particulars in this story, to make his and Prance's evidence agree; and indeed the main business between them two, was the same as between Oates and him, to make a real harmony without an appearing confederacy. What he testified upon the trial was generally more remote, yet at such a distance as might answer the ends of his swearing. He swore, that about a fortnight before the murder, Le Phaire, Pritchard, Keins, and some other romish priests, all unknown to Prance and his criminals, discoursed with

him about killing a certain gentleman, not named, and then set him to insinuate himself into sir Edmundbury Godfrey's acquaintance, which he did under several pretences. That on the very day of the murder, Le Phaire told him, there was a gentleman to be put out of the way that night, and would have him to assist; and that there would be four thousand pounds reward from the lord Bellasis, &c. and therefore desired him to meet in the cloister at Somerset-house that evening, for thereabouts it was to be done; which he promised to do, but wilfully failed them, because he would not have his hands in blood. On the Monday after, Le Phaire meeting him, charged him with a breach of promise, and appointed him to come to Somerset-house at nine that night where he told the witness that he had done ill that he did not help in the business; but if he would assist to carry him off, he should still have half the reward; and told him he was actually murdered. The witness asked if he might see him. Upon which Le Phaire led him through a dark entry into a room, where were several people, and Prance amongst them, and only by the light of a dark lanthorn, he saw the face of the murdered person, and knew him to be sir Edmundbury Godfrey. The witness advised to tie weights about him, and throw him into the Thames; but they did not approve of that, but said, they would put it upon himself, and carry him out in a chair, by the help of porter Berry, at twelve that night. The witness promised, upon the sacrament, which he had taken the Thursday before, to come again to help them; but, being got from them, his conscience would not permit him to go any further, though he had been promised two thousand pounds for his labour; but he rather chose to discover the villainy to the king and council, and accept of a quarter of the sum in an honest way.

By way of circumstance and confirmation, the constable that viewed the body in the ditch, gave an account that the sword was sticking through him, but no blood appeared on the ground; and he found gold and silver in his pockets. And two surgeons swore, that they verily believed the sword was run through him after he was dead and cold; but that he died by reason of the suffocation and breaking of his neck, and bruises on the breast. Sir Robert Southwell deposed, that Prance, having related the matter to the council, and being sent with the duke of Monmouth and the earl of Ossory to shew the places he mentioned, did readily go to them all, and they appeared to be all such as he had described them; only as to the room in the upper court where the body was laid one night, having never been there but once, he said he could not positively assign it, but pointed to some rooms, and said, he was sure it was thereabouts. And this dubiousness, the court observed, gave more credit

to the rest of his testimonies; for a man that will swear any thing will stick at nothing. These, and some other smaller matters, were brought as circumstantial proofs against the prisoners.

As to their defence, they had several material things to allege, which were not so much regarded at this time. Hill brought several witnesses to prove, that he was never out of his lodgings after nine o'clock at night, during the whole time of this transaction; but they were less minded by reason of their being papists, and of the same religion with himself. Besides, he proved, that when he heard of Prance's being taken up for the murder, he had full time to make his escape, which he never endeavouring, was a great presumption of his innocence. Green proved by two witnesses, James Warriar and his wife, that he was at their house in the Strand, from between seven and eight, till after ten on that very night and time that sir Edmundbury was said to be murdered in Somerset-house; and when Prance was taken up, he shewed such a detestation of the fact, that he said, rather than he should escape, if he were guilty, he would be the executioner himself. In behalf of Berry the porter, the soldiers that were placed centinels at the gate testified, that no sedan went out of the gate that night that the body was said to be carried off, though one did come in, (which belonged to the lady Wiche, as it afterwards appeared) and *that they could not be mistaken in so plain a matter.* And Berry's maid declared, that her master was in bed by twelve o'clock that night, and never stirred out; which made it impossible for him to be upon the whole expedition. They all endeavoured likewise to invalidate Prance's evidence, but *his fine story carried the point at last.** And the court par-

* Hume, in recording the trial of these unfortunate men, makes the following observations:—"Hill, Green, and Berry were tried for Godfrey's murder; all of them men of low station. Hill was servant to a physician: the other two belonged to the popish chapel at Somerset-house. It is needless to run over all the particulars of a long trial: it will be sufficient to say, that Bedloe's evidence, and Prance's, were in many circumstances TOTALLY IRRECONCILEABLE; that both of them laboured under unsurmountable difficulties, not to say gross absurdities; and that they *were invalidated by contrary evidence which is altogether convincing*: but all was in vain; the prisoners were condemned and executed. They all denied their guilt at their execution; and as Berry died a protestant, this circumstance was regarded as very considerable: but instead of giving some check to the general credulity of the people, men were only surprised, that a protestant could be induced at his death to persist in so manifest a falsehood." The continuator of Baker's Chronicle says "They (the prisoners) brought witnesses to prove, that they came home in a good hour on those nights, in which the fact was said to be done. Those who lived in Godden's lodgings deposed that no dead body could be brought thither, for they were every day in the room that Prance had named. And the centinels of the night he was carried

ticularly observed, that it was impossible that Mr. Prance, a man of that mean capacity, should invent a story with so

out said, they saw no sedan brought out. This defence was very strong, but it was forced to give way to the fury of the times." This historian further tells us, "That in those times, I speak it (says he) with horror, PERJURY and SUBORNATION *grew so common*, that no dependance can, I think, be reasonably had on any informations of that kind," viz. such as Prance and Bedloe's were. But the following remarks, contained in a note to Mr. Brown's Historical Account of the Laws against the Catholics, so clearly demonstrate the gross iniquity of the courts of justice in those days, and display the honest indignation and reprobation of the learned protestant historian in such just and warm terms, that it would be an act of unpardonable injustice not to notice them. "Of the partial and indecorous conduct of the judges towards the prisoners, and their witnesses," says Mr. Brown, "the following specimens may be given. In the examination of Mary Tilden, a witness on the trial of Green, Berry, and Hill, for the murder of sir Edmundbury Godfrey, we find the lord chief justice Scroggs thus addressing her. L. C. J. "Pray what religion are you of? Are you a papist?" Mary Tilden. "I know not whether I came here to make a profession of my faith." L. C. J. "Are you a roman catholic?" Mary Tilden. "Yes." L. C. J. "*Have you a dispensation to eat supper on Saturday nights?*" To this insulting, and perfectly irrelevant question, we find another of the judges adding the following liberal and delicate insinuation. Mr. Recorder. "I hope you did not keep him company after supper all night." Mary Tilden. "No, I did not, but he came to wait at table at supper." The witness, it should be remarked, to whom this language (which I am convinced no gentleman at the bar in the present day would condescend to use, or if he did, which no judge would tolerate) was addressed, was a young woman of character, niece to a respectable catholic clergyman, whose servant was accused by Bedloe and his worthy associates with having perpetrated the murder for which he was tried, in Somerset-house, and with afterwards removing the body into a room on his master's premises. It was therefore to disprove this fact, that he summoned his young mistress, whose delicacy was thus grossly insulted by those who ought to have protected her, not only from insult, but from every question which would tend to abash or confuse her. It was the same disgraceful abandonment of every principle of justice to the furious domination of passion, which occasioned the chief justice to remark, after she had sworn that as she used to go every day into the little room she must have seen the body if it was there, "you told me just now you were not upon confession, and I tell you now so you are not."

"On a fellow servant of Hill's ascending the witness-box to confirm the testimony of her mistress, the polite salutation which she received from Mr. Justice Jones was, "well woman what say you?" (This seems to be the usual language of the judges to the witnesses, for the prisoners, to whom no manner of respect or civility was considered to be due: for, addressing himself to one of them, the chief justice says, "you woman, what month was it you were out of town?" And this treatment was in these days thought quite good enough for those, who, in the midst of dangers and privations, had the courage to profess themselves adherents to the catholic faith.) On her representing the impossibility of the body being placed in the room without her knowledge, another of the judges on the commission (Mr. Justice Wild) observed, "for my own part, I will not judge you: but that the body should be carried there about nine o'clock at night, on Saturday night, and remain there till Monday night, 'tis very suspicious, that if you was in the house, as you say you were,

many consistent circumstances, if there were not truth in the bottom of it; which made others observe, that the story was invented by somebody else of a greater capacity. After the attorney-general had summed up the evidence for the crown, the chief justice Scroggs proceeded to charge the jury in the most gross and partial manner, exhibiting the testimony of the king's evidence as entitled to the highest degree of credit, and the witnesses for the prisoners as proving nothing in their favour, or unworthy of credit, concluding his speech, as usual, with the following bigoted and calumnious declamation against the principles of the catholic church:—
 “And for the priests who are the encouragers of murder, and your sin, and teach that it is charity to kill any man that stands in their way, their doctrine will make you easily believe their practice, and their practice proves their doctrine. Such courses as these we have not known in England till it was brought out of their catholic countries; what belongs

and used to go into that room every day, you must either hear it brought in or see it.” From this observation it will be evident that the judges had pre-condemned their prisoners, whose guilt they were commissioned to enquire into. But their determination to believe every thing, however improbable or contradictory, which should be sworn to for the crown, without attending to any thing deposed for the prisoners (though decidedly proving their innocence) is still further manifest from the remark made by Mr. Justice Dolben on the witness' answer to the preceding observation of one of his learned brethren (“but we did neither my lord,”) that *it was well she was not indicted*. In fact, throughout these trials the judges either openly declared or plainly insinuated that no papist was worthy of credit: “you may say any thing to a heretic for a papist, *you come hither to say any thing that will serve your turn*,—such were the illiberal remarks by which the chief justice at once evidenced his zeal against the catholics, confused the witnesses for the prisoners, and nullified their testimony by depriving them of all credit with the jury.

Green, one of the prisoners, observed in his defence, “I declare to all the world that I am as innocent of the thing charged upon me as the child in the mother's womb. I die innocent, I do not care for death, I go to my Saviour, and I desire all that hear me to pray for me; I never saw the man to my knowledge, alive or dead.” To this solemn protestation of innocence the chief justice, with his wonted liberality replied, “we know that you have either downright denials, or equivocating terms for every thing: yet in plain dealing, every one that heard your trial hath great satisfaction, and for my own particular,” he adds, with a bigoted exultation, and a want of the common feelings of humanity, which almost makes us shudder at its perusal, “*I have great satisfaction that you are every one of you guilty*.” Such being the spirit with which the chief justice proceeded to discharge the most painful part of his duty, the condemning of his fellow creatures to death, we cannot be surprised that on another occasion he allowed his bigoted zeal to carry him so far away from the impartial discharge of his important functions, as to induce him on the delivery of the verdict of guilty, thus to address the jury. “You have done, gentlemen, like very good subjects, and very good christians, that is to say like very good protestants; and (alluding to the reward said to be promised to one of the prisoners for assassinating the king) much good may their thirty thousand masses do them.”

to secret stranglings and poisonings, are strange to us, though common in Italy. But now your priests are come hither to be the pope's bravos and to murder men for the honour of his holiness; and as they are inhumane, so they are unmanly too: for sir Edmundbury Godfrey had not been afraid of two or three of your priests, if they would have dealt fairly with him. [Berry. He was a gentleman I never spoke with in all my life.] L. C. J. You must say and believe as your priest will have you, and in such actions as these, as your priests suggest to you, so does the devil to your priests. You are upon the matter necessitated to what they will have you think; for though your priests preach up freedom of will, yet they allow none to the understanding. They hold you may do good or evil, but will not suffer you to understand right and wrong, for you cannot be perfectly theirs, if you have any thing of your own to guide yourselves by. I know that every body of that party is apt to say their priests own no such thing, but it is notoriously known to all the world that they both print it and practise it. What shall any of you dispute the power of a pope, saith a jesuit, or of a pope and council, say the most moderate priests? Have you power to say how far you will be a papist and how far not? You may as well bound the sea, and bid it go thus far and no farther, as limit the pope's authority. I wonder any man should be of that persuasion, and yet keep his reason, much less turn from our religion to theirs, if he considers how they impose, and what mischiefs and blood you are involved in by your priests, that have alarmed the nation. For I will affirm, the greatest mischief the papists have received, come from their priests, who have such unworthy and unmanly ways of setting up their religion. What, do they think it an act of charity to kill men, or is the christian religion, or yours, to be promoted by such means as these? No, gentlemen, it is the fault of your doctrine, and it is a monstrous mistake in you, if you think that you have any power over yourselves, whilst you continue in their persuasion. I know some will ascribe all to conscience that guides them, and that even these mischiefs are but the effects of their religious obedience; but they are indeed the consequences of the blindness of their obedience. I wonder how any man can have the face thus to disorder a whole nation, and yet pretend conscience for it. Let no man tell me, Oh! sir, we desire none of these mischiefs you talk of. What, not if religion requires it, or if the pope says it does? Hath not the council of Lateran decreed, that every popish prince ought to root out heresy upon pain of damnation? You must. Can you go and tell the pope how far you will believe, or what you ought to do? You may as well tell me that if he were once with us, and had the power he once

had, he would leave us to ourselves, and that if he had the same ability, he would not have the same tyranny. And therefore all the roman catholic gentlemen in England would do very well to consider, how much it concerns christianity not to give offence; and if they cannot at this time live in a protestant kingdom with security to their neighbours, but cause such fears and dangers, and that for conscience sake, let them keep their consciences, but leave the kingdom. If they say, why should we not stay here while we do no mischief? Alas, that is not in your power. You cannot be quiet in your own religion, unless you disturb ours; and therefore, if to shew your consciences, you acquit the country, and let the inconveniences light on yourselves only, I should then think you had zeal, though not according to knowledge; and not ascribe it to any plot, but to the simplicities of understanding. But in short, there is a monstrous evidence of the whole plot itself by this fact; for we can ascribe it to none but such ends as these, that such a man must be killed. It must be either because he knew something the priests would not have him tell, or they must do it in defiance of justice, and in terror to all them that dare execute it upon them; which carries a great evidence in itself, and which I leave to your consideration, having remembered as well as I could the proofs against them, and all that is considerable for them. To conclude, the condition that we are in at this time, and the eagerness of the pursuit that these priests make to gain the kingdom, makes me put it into my litany, *That God would deliver us from the tyranny of the pope, and the delusion of popery.* A yoke which we who have known freedom cannot endure, and a burden which none but that beast which was made for burden will bear. So I leave it to your consideration upon the whole matter, whether the evidence of the fact does not satisfy your consciences, that these men are guilty. And I know you will do like honest men on both sides."

The Jury then withdrew to consider of their verdict, and after a short consultation, returned and pronounced all the prisoners guilty; whereupon the lord chief justice said, "Gentlemen, you have found the same verdict that I would have found, if I had been one with you; and if it were the last word I were to speak in this world, I should have pronounced them guilty." At which words, says the historian, the whole assembly in Westminster-hall gave a great shout of applause.

The next day Mr. Justice Wylde, as second judge in the court, passed sentence upon them with a speech, in which we may take notice of these words: "If I could abstract folly from wickedness, certainly it was one of the greatest pieces of folly and sottishness in the world. For what could

be your end in it? Did you think that all the magistrates in England were lodged in sir Edmundbury Godfrey? That if he were taken out of the way, there were not men of spirit and courage, as faithful and diligent as he was?" After their condemnation, great pains were taken, and particularly by Mr. Smith, the ordinary of Newgate, to bring them to a confession of their guilt, or knowledge of the murder; but they continually denied they had any knowledge of it, and immoveably insisted upon their innocence to the last moment of their lives: all which was then generally imputed to their popish principles, though Berry in effect owned to the ordinary that he was a protestant in his heart, but had for some time dissembled his religion for his private advantage. Hill, to shew his sincerity, confessed to the ordinary, that he had wronged one in a twelvepenny matter, which had so troubled his conscience, that he had made restitution since his condemnation, though he was in extreme want of present necessities; and therefore he thus argued with him: "If I have taken shame upon myself, in confessing my crime, in the case of a trifle, can you think I would deny the murder to maintain my reputation?" About the same time he wrote this letter to his wife, which may deserve to be remembered,

"My dear wife, I recommend you to that good God of heaven, who I hope will be both a husband to you, and a father to my poor child, if you serve and love him as you ought to do; and the first thing you are to do, is heartily to forgive him that is the occasion of my death, and not to bear him any malice, but leave the revenge wholly to God, who knows best how to revenge the innocent. This I earnestly beg of you to do, and likewise desire all my friends to pray to God Almighty, that if it be his divine will, this little suffering may mitigate his just wrath against me for my heinous sins."

Mr. Hill and Mr. Green were carried to Tyburn, February 21, and there executed. Mr. Hill upon this occasion spoke as follows:

"I am now come to the fatal place of execution, and in a little time must appear before the tribunal of God Almighty, who knoweth all things; and I hope it will be happy for me, because I am innocently put to death. I take God, men and angels to witness, I am innocent of the death of justice Godfrey: and believe it will be well for me, because I die innocently; and hope through the merits of my blessed Saviour to be saved. I do confess, as I lived, so I die a roman catholic, desiring such to pray for me. God bless and preserve his majesty, and this poor nation, and lay not innocent blood to its charge. So I bid you all farewell in Jesus Christ, into whose hands I recommend my spirit."

Then Mr. Green spake thus:—"I desire all your prayers;

and as for sir Edmundbury Godfrey, I know not whether he be dead or alive; for in my days I never saw him with my eyes, as I know of; and if false people will swear against me, I cannot help it. I pray to God to bless my king and all his people."

Captain Richardson told him, he had a fair trial, and wished him not to reflect upon others, but to prepare himself for death. To which Mr. Green replied, "I pray God Almighty forgive them all: I never saw sir Edmundbury Godfrey to my knowledge in my life."

Mr. Berry was executed on the 28th of the same month. He was brought back to the protestant religion in prison by Dr. Lloyd, or rather declared he never was indeed a catholic, though for interest he had some time professed himself such. He persisted to the end in denying the fact of which he had been accused; and as the cart was drawing away he lifted up his hands and said, *as I am innocent, so receive my soul, O Jesus.*

And now the two grand evidences, Oates and Bedloe, having gained the main point, of making the murder to be an essential part of the plot, and the chief support of the credit of it, they seemed in the height of their glory, and no man durst presume to doubt of their veracity. Therefore, on the same week the three last persons were condemned; when men's beliefs were fresh and strong, they thought fit to bring in their bills of charges, of what monies they had, for the good of the public, expended and paid out of their own pockets; Oates beginning his at a time when he was in a starving condition, without money or credit; and Bedloe, when he had just before been fed out of the alms basket at the Marshalsea, and a little before at the castle of Lincoln. The former amounted to six hundred and seventy pounds, twelve shillings and sixpence. The latter, being of a shorter standing, amounted to no more than two hundred and thirteen pounds, without any odd money. We do not find, adds the historian, how well government paid them; but for the *truth* of them, many persons have since thought that their bills and their narratives were equally creditable.

CHAPTER VI.

Meeting of Parliament—Proceedings of the two Houses—Trial of Mr. Reading—His able defence and sentence—Addresses and Resolutions of the Commons—Substance of the Exclusion Bill, &c. &c.

AS the time of the meeting of the new parliament drew near, so the king, says Echard, was daily preparing the way to make it an easy and useful session; and omitted no

popular acts that might testify his apprehensions, of popery and the plot, which had now so filled the heads of the nation. But the most popular act at this time, he observes, was reserved to the last, and that was the sending away his brother the duke of York, that he might be no cause of disputes in the parliament, nor be imagined to influence any counsels at court. Accordingly, he directed the following letter to his royal highness, on the 28th of February;—I have already given you my resolves at large; why I think it fit that you should absent yourself for some time beyond the seas; as I am truly sorry for the occasion, so you may be sure I shall never desire it any longer than it will be absolutely necessary for your *good* and my *service*. In the mean time I think it proper to give it you under my hand, that I expect this compliance from you, and desire it may be as soon as conveniently you can. You may easily believe with what trouble I write; there being nothing I am more sensible of than the constant kindness you have ever had for me. I hope you are as just to me; to be assured, that no absence, nor any thing else, can ever change me from being truly and kindly yours, C. R.”—In pursuance of this command, his royal highness, with the duchess and his family, immediately made ready to take shipping for Holland, which they did on the 8d of March, and landed there on the 12th of the same month. The duke and his family afterwards removed to Brussels, where he stayed most of the summer, waiting for a proper opportunity to return to England.

The king having prepared the way by all plausible and probable methods, to render himself and his business acceptable to his new parliament, on Thursday, the 6th of March, 1679, this assembly met at Westminster, watched and attended, writes Echard, by the eyes and ears of the whole Kingdom. After all the members present had taken the oaths of *allegiance* and *supremacy*, his majesty appeared in great splendour upon the throne, and having sent for the house of commons, he made a speech to both houses, in which he made use of the following words:—“I meet you here with the most earnest desire that man can have, to unite the minds of all my subjects, both to me and to one another. And I resolve it shall be your faults if the success be not suitable to my desires. I have done many great things already in order to that end, as *the exclusion of the popish lords from their seats in parliament*; the execution of several men, both upon the score of the plot and the murder of sir Edmundbury Godfrey; and it is apparent, that I have not been idle in prosecuting the discovery of both, as much further as hath been possible in so short a time;...above all, I have commanded my brother to absent himself from me, because I would not leave malicious men room to say, I had

not removed all causes which could be pretended to influence me towards popish counsels. Besides that end of union which I aim at (and which I could wish could be extended to protestants abroad as well as at home) I propose by this last great step I have made, to discern whether the protestant religion and the peace of the kingdom be as truly intended by others, as they are really aimed at by me. For if they be, you will employ your time upon the great concerns of the nation, and not be drawn to *promote private animosities*, under the pretences of the public: your proceedings will be calm and peaceable, in order to those good ends I have recommended to you; and you will curb the motions of any unruly spirits which would endeavour to disturb them. I hope there will be none such among you, because there can be no man that must not see how fatal differences amongst ourselves are like to be at this time; both at home and abroad. I shall not cease my endeavours, daily to find out what more I can, both of the plot and the murder of sir Edmundbury Godfrey, and shall desire the assistance of both my houses in the work. I have not been wanting in giving orders for putting all the present laws in execution against papists; and I am ready to join in the making such further laws as may be necessary for securing the kingdom against popery....I will conclude as I began, with my earnest desires to have this a *healing parliament*; and I do give you this assurance, that I will with my life defend both the protestant religion, and the laws of this kingdom; and I do expect from you to be defended from the *calumny* as well as the *danger* of those *worst of men*,* who endeavour to render me and my government odious to the people. The rest I leave to the lord chancellor." Accordingly, the lord chancellor Finch made a very long speech, in which he shewed no mercy to the ca-

* This remarkable declaration of the king most completely confirms the observations of Hume, see note, p. 105. And thus while the incendiary leaders in parliament and their satellites were deluding the people with the dangers of popery and slavery, and working upon their passions by the scandalous means of forged plots and the pretended doctrines of king-killing and deposing princes, another party was engaged in spreading a rumour that the king, whose life was stated to be in danger of the daggers of the jesuits, favoured the papists, and he not only found it necessary to banish his brother from his presence, to remove the ill impressions this report created against him, but he was compelled to call upon his parliament to protect him from the calumnies and dangers of this faction, which he says, consisted of the "*worst of men*,"—who endeavoured to render him odious to his people. So the parliament complains to the king of the evil designs of the papists against his person and kingdom; and the king, in his turn, requests to be *protected* from the *evil designs* of his *factionous protestant* subjects, who were labouring to make him hateful to his people. But mark the sequel—the papists had to bear all the blame as well as the punishment, as the proceedings of this parliament clearly demonstrate.

tholics, but declared they were a people continually disposed for mischief; and that the king was willing to comply with any thing that should be proposed towards keeping them in subjection, and punishing their insolence; provided it could be done without diminution to his prerogative or *altering the succession*. The commons, after choosing a speaker, which subject had occupied their attention for some time, in consequence of a dispute with the crown, determined to pursue the latter measures taken in the former parliament; and therefore on the 20th of March, they resolved that a *committee of secrecy* be appointed to take informations, and prepare evidence, and draw up articles against the lords in the tower; and to take such further informations as shall be given, relating to the plot and conspiracy against his majesty and the government, and the murder of sir Edmundbury Godfrey. And that nothing might be wanting to prosecute the plot, *all countenance was given to the plot discoverers*; and on the 21st of March, Dr. Tonge and Mr. Oates were called before the commons to give in their informations concerning the plot, &c. And the latter gave in an information, not only against the earl of Danby, but also against sir John Robinson, colonel Edward Sackville, and captain Henry Goring, all three members of the house of commons, which raised a new flame in that house. On the same day Bedloe likewise delivered in his information; upon which the house resolved, That an humble address be made to his majesty, that the five hundred pounds reward promised by his proclamation, for the discovery of the murder of sir Edmundbury Godfrey, may be forthwith paid to Mr. Bedloe, who this house is satisfied to be the first discoverer thereof; and that his majesty would be further pleased to order that the twenty pounds reward for the discovery of every priest, may be effectually paid to the discoverers of them. At the same time, in another address, they desired his majesty, that the care of Mr. Bedloe's safety may be immediately recommended to his grace the duke of Monmouth; which was carried up by the lord Cavendish, sir Henry Capel, Mr. Booth, Mr. Powle, sir Robert Carr, sir John Earnley, and sir William Portman.

The king gave a present answer, that he would take immediate care for the payment of the five hundred pounds and the twenty pounds they desired; that he had hitherto taken all the care he could of Mr. Bedloe, and that he knew how considerable his evidence was; and that he would see hereafter that he should want for nothing, and that he would be responsible for him whilst he remained in Whitehall; but that he could not be answerable for him when he went abroad. Besides these, there appeared one Mr. Edmund Everard, a Scotch gentleman, who had been four years pri-

soner in the tower, who, making some old discoveries, was encouraged, as Oates before him, to put the whole into a formal narrative.

Upon the whole, continues Echard, they came to this unanimous grand resolve, something like that in the last parliament, viz. That the house doth declare, that they are fully satisfied by the proofs they have heard, that there now is, and for divers years last past hath been, a horrid and treasonable plot and conspiracy, contrived and carried on by those of the popish religion, for the murdering his majesty's sacred person, and for subverting the protestant religion, and the ancient and well-established government of this kingdom. To this vote they desired the concurrence of the lords, as they likewise did and obtained that to a particular address to his majesty for appointing a solemn day of humiliation, being deeply sensible of the sad and calamitous condition of his majesty's kingdom, occasioned chiefly by the impious and malicious conspiracies of a popish party, who have not only plotted and intended the destruction of his majesty's royal person, but the total subversion of the government and true religion established among us. Afterwards they express themselves thus;—That we may, by fasting and prayer, and with humble and penitent hearts, seek reconciliation with Almighty God, and implore him by his power and goodness, to infatuate and defeat the wicked counsels and imaginations of our enemies, and continue his mercies and the light of his gospel to us and our posterities; and particularly, to bestow his abundant blessings upon your sacred majesty, and this present parliament, &c. Accordingly, his majesty commanded a general and public fast to be kept throughout the kingdom on the 11th of April, beginning his proclamation for it, as he generally did upon such occasions, with mentioning and alledging the desire of *the lords and commons in parliament assembled*. During this height of zeal, the commons, on March 22, ordered a bill to be brought in, *to secure the king and kingdom from the danger and growth of popery*.

The parliament had sat but a short time, when the king found himself daily involved with new troubles and difficulties, such as he had never struggled with before, which obliged him to take new measures, and make a total alteration in the ministry; not, however, to the advantage of the persons under prosecution, but rather to the contrary. For the king, who was extremely fond of the duke of Monmouth, hearkened to his suggestions, to remove several of his council, and make the earl of Shaftesbury president, who, besides his natural inclination to mischief, had several motives for cherishing in the nation a belief of the plot, which appeared in his behaviour afterwards. Indeed this

wicked stratagem of the plot served to ruin or exalt any one, from the scavenger to the secretary of state. It had an influence upon every state and condition of life. If debts were unpaid, masters cheated, parents disobeyed, or fortunes ruined, or any other villainy in view, the injured party was obliged to stop all prosecution, for fear of being brought into the plot. And here may be observed the difference between a real and fictitious conspiracy. In the former, commonly none suffer but those who are actually concerned; but in the latter, the contrivers mark out their men, and have the advantage of accusing whom they please, accordingly as they are prompted by revenge, and favoured from suspicious circumstances. But to return to the council and parliament. Both houses, says Echard, seemed now to have no eyes, but for the dangers of popery upon the duke's succession to the crown; which humour was blown up by all the arts and intrigues of the duke of Monmouth and the lord Shaftesbury. The king appeared willing to give them all possible security against those fears, without changing the laws in point of succession. And, on the other side, the house of commons were busy in finding out expedients to secure this point, but could agree in none; being still diverted from fixing on any, by the lord Shaftesbury's practices. The council fell upon the same subject with great earnestness; and after much debate, agreed upon many heads to be laid before the parliament, which were to be hinted at by the king in a speech to both houses. One of these expedients was, to have a bill brought in for the association of all his majesty's protestant subjects. Another was, *a bill for the banishment of all considerable papists out of England.* A third, for securing frequent parliaments; and it was likewise proposed, that the prince of Orange should be joined in the administration with the duke of York, upon the latter coming to the crown. These expedients were agreed to by all the council except sir Wm. Temple and the earl of Shaftesbury, who were against them, but upon very different grounds. Sir William's objections were two: first, because he believed that nothing which came first from the king upon these points, would be accepted by the commons; who, if they would be satisfied at all, he thought should first agree upon what, and leave it to the king to take or refuse. The second was, that as he did not see any certain ease their expedients would give to the king, though agreed to by the two houses; so it was evident to all, *that they would leave the crown after him in shackles*; which being put on upon the duke's occasion, and in his time, *would not be easily knocked off by any successor.* The earl of Shaftesbury's ground of objection was plain, and so expressed by him on all occasions; which was, *that*

there could be no security against the duke, if once in possession of the crown. And this, observes the same historian, being well infused by his and the duke of Monmouth's friends into the house of commons, occasioned their sullen rejection of all the expedients offered them by the king, and laid the foundation for the proceedings of the next house of commons, and the great disorders that followed.

And now every man was in danger from the commons, who either seemed to doubt of the plot or the murder, or appeared to be a friend to the earl of Danby. Upon this last account, Dr. John Nalson was taken into the custody of the serjeant at arms, for writing a pamphlet in favour of the earl; and the printer was called to an account for publishing two of Mr. Montague's letters, and the earl's speech upon his first impeachment. Sir Robert Southwell also was accused by one Mr. Chetwins, and put to some trouble in the house, upon a supposition that he was negligent, or not enough officious in the matter of sir Edmundbury Godfrey. Some others likewise were disturbed and *threatened upon the account of the plot*, or something that was esteemed a branch of it. But the persons most in danger from them at this time, besides the earl of Danby, were the five popish lords, the earl of Powis, the lord viscount Stafford, the lord Arundel of Wardour, the lord Petre, and the lord Bellasis, now prisoners in the tower, against whom they drew up articles of impeachment of high-treason, &c. upon the 3d day of April. They began thus: "That for many years now last past, there hath been contrived and carried on a traitorous and execrable conspiracy and plot within this kingdom of England and other places, to alter, change, and subvert the ancient government and laws of this kingdom and nation, and to suppress the true religion therein established, and to extirpate and destroy the profession thereof; which said plot and conspiracy was contrived and carried on in divers places, and by several ways and means, and by a great number of persons of several qualities and degrees, who acted therein, and intended to execute and accomplish the aforesaid wicked and traitorous designs and purposes." The rest seems a sort of an abstract of Oates's narrative, and Prance's account of the murder of sir Edmundbury Godfrey, and drawn up in such general terms, that the lords knew not how to give a particular answer, but only made a general denial to the whole. The articles were carried up to the house of peers by the lord Russel, who was looked upon as a zealous prosecutor of those lords.

During these proceedings in the commons, the house of lords was considerably agitated with heats and apprehensions, which were particularly fomented, says Echard, by the great and restless earl of Shaftesbury, who, on the 25th of

March, delivered his thoughts in a peculiar and artful speech, which was supposed to have laid the foundation of those troubles which afterwards ensued in Scotland. In the mean time, Bedloe, to render the earl of Danby more obnoxious, came before the house of commons and made a great complaint of the harsh usage and great disencouragements he had met with from the said earl, when treasurer, setting forth upon oath, that going to him for some money, by virtue of an order from the council, his lordship took him into his closet, and asked him, whether the duke of Buckingham or the lord Shaftesbury, or any of the members of the house of commons, had desired him to say any thing against him, and to tell him who they were, and he would well reward him; and to know if he would desist from giving evidence against the — and the lords in the tower, &c. To which Bedloe answered, that he had once been an ill man, and desired to be so no more. To which the earl replied, you may have a great sum of money, and live in another country, as Geneva, Sweden, or New England; and should have what money he would ask to maintain him there. But Bedloe refusing all such temptations, his lordship began to threaten him, saying, there was a yacht ready to carry him far enough for telling of tales. And after this, the guards were as spies upon him, and he was very ill used, till by their address to the king the same was remedied and better care was taken. And at the same time appeared Oates in the house, who declared, that being one day in the privy-garden, the earl of Danby, passing by, reflected upon him, and said, “there goes one of the saviours of England, but I hope to see him hanged within a month.” And likewise at the same time Oates gave his testimony against colonel Sackville, a member of the house formerly mentioned, declaring that he said, “that they were sons of whores, who said there was a plot, and that he was a lying rogue that said it.”—Whereupon the colonel was immediately sent to the tower, and ordered to be expelled the house, with a petition to the king to make him incapable of bearing any office. But in a short time, upon his submission, he was discharged from his imprisonment, but not restored to his seat in the house.

To return, however, to the more immediate transactions of parliament; the commons, who were daily employed in troublesome business, about the time of this new constitution, were not a little heated with the case of Nathaniel Reading, esq. a Lincolshire protestant gentleman and a counsel at law, then distinguished for his adventures in the isle of Axolme. This lawyer, of a smooth tongue and ready wit, was accused before the house of commons of endeavouring to mollify and sweeten, and in some degree to corrupt the

inflexible honesty of Mr. Bedloe; who, though he had received from him above fifty pounds, and larger sums in promises, not to stifle the whole plot, but only to make him easy toward some particular persons, his conscience would not permit him to conceal so foul a practice. This made a great noise, and was looked upon as a matter of dangerous consequence in the house of commons; who thereupon petitioned the king to issue out a special commission of oyer and terminer for the immediate trial of the said Nathaniel Reading.

As Hume and other historians have not related the circumstance of this trial, and as Echard has but slightly touched upon it, a more detailed account, selected from the printed trial published by the authority of lord chief justice North, who presided, cannot fail of being acceptable to the reader, particularly as it is materially connected with the main plot, and strongly shews to what lengths these villainous informers carried their infamous designs. Mr. Reading, it appears, was employed by Bedloe professionally to procure from the lords of the treasury the five hundred pounds which the house of commons had previously voted him. In this Mr. Reading succeeded; but having advanced Bedloe some money previous to his obtaining the aforesaid sum, the latter not having the conscience nor honesty to pay him, planned a scheme to entrap Mr. Reading, whereby he might establish his credit with the secret committees of parliament, and cheat his friend and creditor of his just debts. To assist him in his villainy, he employed a Mr. Speke, who was also indebted to Mr. Reading, in consequence of employing the latter in an election case for his brother, one of the new elected members of the house of commons; and Henry Wiggins, who was Bedloe's man. In the execution of their plan they were further assisted by the circumstance of Mr. Reading being professionally engaged by lord Stafford and the other lords in the tower to plead their cause and obtain their liberation from confinement.

In consequence of the address of the commons a commission was granted, and on the 24th of April Mr. Reading was brought to his trial before sir Francis North, lord chief justice of the common pleas, and most of the other judges, (except Scroggs, who was in the country) and several other persons of quality named therein, at the king's bench bar, Westminster. When the jury came to be sworn, Mr. Reading desired the liberty of a peremptory challenge, which the court would not allow, he standing indicted only for a *misdemeanour*, not treason. Mr. Reading, however, with great force of argument, urged that the nature of the crime, as it was laid in the indictment, was treason, and submitted to the court, whether he might not *be indicted again for*

treason for the same matter. This question the court refused to answer, and the lord chief justice told him, "How he should be prosecuted hereafter, must depend upon the justice of the kingdom." The jury being then sworn, the counsel for the crown opened the indictment, and Mr. Bedloe was produced as the first witness. He deposed how he became acquainted with Mr. Reading, whom he employed in some concerns. That the prisoner never denied but those who had already been executed for the plot had suffered justly and lawfully; that he never went about to have him "stifle the whole plot," but only to make him "easy" towards some particular people, whom he solicited for, and for this purpose he would tell him it was not for his safety to run at "the whole herd," and if he (the witness) could do a kindness he should be well gratified. That the chief persons Reading solicited for, were the lord Petre, the lord Powis, the lord Stafford, and sir Henry Tichbourn, in whose name he promised great rewards, both in money and estate, for shortening the evidence and bringing them off from the charge of high treason; and particularly that he made the witness "easy" towards Whitebread and Fenwick, when they were first arraigned, which was to be an "assurance" that witness would accomplish what he promised, and an example what kindness might be done. Witness thereon shewed a willingness to comply, in order to carry on the intrigue with the lords, until it might be properly discovered, which he "knew was of greater consequence than two old priests," whom he could charge further another time. Witness did not know but Reading had laid a trap for him, and therefore discovered these conferences to prince Rupert, the earl of Essex, Mr. Kirkby, and others; and Mr. Reading being to give him a meeting at his lodgings on the 26th of March, he placed Mr. Speke behind the hangings of his bed, and making a hollow place in it, laid his man there, covered over smooth with a rug, that they might hear what passed without being discovered. That at this meeting Reading agreed to bring the final answer of the lords, and told him, that he had authority to draw blank deeds both for sums and estates, which they would settle on him, the witness; and that the lord Stafford was felling of timber to sell to raise money for him, &c. That the Monday following, the witness and the prisoner drew up a paper of what the witness had to charge the aforesaid lords, which was carried to the lords, and then returned by Reading in his own hand writing, but "minced so," as not to signify any thing material against them. This paper Mr. Reading owned, and it was read in court.

The next witness, Mr. Speke, deposed as to the conference between Bedloe and Mr. Reading, which he overheard, and

that Reading said the lord Stafford would settle an estate in Gloucestershire on Bedloe, and sign and seal a deed thereof within ten days after he should be discharged. The same was sworn to by Bedloe's man, Wiggins.

To these charges Mr. Reading made an elaborate and able defence, in which he observed, "There is one part of the indictment which I do humbly take notice of to your lordship beforehand; they are so far from charging me to be of the plot, that Mr. Bedloe hath declared the pressingness of my persuasion to him from time to time, that he would be very full and positive, in charging any man according to his knowledge. Therefore, I shall not spend any time, my lord, in speaking to that: I am obliged to Mr. Bedloe, that he hath done me so much right, in saying what he hath of me about that; but I shall apply myself singly to what he hath said in evidence against me, and what hath been spoken to Mr. Speke and his servant. My lord, the indictment is, that I should endeavour to persuade, to lessen his evidence against those lords and sir Henry Tichbourn; that is to say, my lord Powis, my lord Stafford, and my lord Petre: they prove nothing against me as to the other. And, my lord, because the indictment doth likewise set forth, that this was done on the behalf of these lords, and on their account, as it says, I shall humbly (before I go on to censure the evidence) give your lordship an account, upon what occasion it was, and how I went to see any of these lords, and sir Henry Tichbourn here mentioned. My lord, within a few days after the lords were sent to the tower, Mr. Bulstrode, a gentleman of the privy chamber to his majesty, come to me from my lord Stafford, telling me that my lord Stafford desired to be remembered to me, and to pray me to come to him. My lord, I did tell that gentleman, that though I had a very great reverence for my lord, having known him long, and having been my client for several years, yet, considering how his circumstances then were, I should not venture to go to him till I had acquainted some of the lords of the close committee with it, and had their leave. Mr. Bulstrode said I acted very prudently in it; and accordingly I did go, and acquainted the prince, my lord treasurer, the marquis of Worcester, and some other lords with it, and they told me, that my profession did privilege me to go; and God forbid but that respect should be shewn him and the rest of the lords. Hereupon, my lord, I did go; and when I was there, I acquainted the lieutenant of the tower with it, who invited me to dinner with him; I did so my lord, and my lord Stafford was there; and afterward he did desire me to go to his quarters with him; and being there, he told me that I was not ignorant of what he was charged with, and upon what account he was there; and he

was pleased to say much concerning his own innocency. I told his lordship I heartily wished it might appear he was as innocent as he said he was. Then he desired me to his Habeas Corpus. I told him I thought it not seasonable yet to do it: I also told him I would not at all admit myself to be of counsel for him, but for his innocency, and as an innocent man; with this, that I did so expressly abhor and detest the crime that he was charged with, that though I were of counsel with him, or in the very highest degree of friendship imaginable, should I discover he was guilty of it, I would be so far from continuing of counsel for him, that I would come in as a witness against him. My lord, upon these terms it was that my lord took my advice, and he gave me my fee, which was two guineas.”—Mr. Reading then entered into the law proceedings which afterwards took place, and observed, that in consequence he had occasion to discourse with Oates and Bedloe, as to the nature of the several charges against the gentlemen they had accused. After some interruptions from the court, Mr. Reading proceeded:—“My lord, Mr. Bedloe will give your lordship an account of the discourse that I had with him at the time that I had been to wait upon my lord chief justice Scroggs; I went to him on this occasion, Mr. Bedloe desired me to go wait upon my lord chief justice, to give him an account about the particular evidence he had given; I think it was against Mr. Coleman, and that he being with my lord chief justice, my lord was pleased to treat him, not as he expected from him; whereupon he fell into great expressions of passion and went down stairs, and said it would never be well in England till there was an honester man than he, lord chief justice. When he had told me this, I told him at what rate his lordship had endeared himself to the whole nation by his zeal against the plot; however, saith he, do me the kindness to beg my lord’s pardon, and pray him to accept of this paper. My lord, I was extremely sorry that Mr. Bedloe had so misbehaved himself; I had a great kindness for Mr. Bedloe, I have sufficiently testified it, and now sufficiently suffer for it: and in kindness to him I went to my lord and delivered him the paper; I told his lordship that I was heartily sorry that he had carried himself in such a manner towards his lordship, but I did desire his lordship to pass it by, for I did believe Mr. Bedloe was very sorry for it. My lord said, it was sufficiently known that he was not a man of passion, but that he pitied Mr. Bedloe, and desired he would be more careful and discreet for the time to come for his own sake, and for the kingdom’s; I returned to him and gave him this account, and what was my lord’s advice to him. My lord, when he had his pardon a drawing, and when he was asked by the king and my lord chancellor,

who was his friend, who was his counsel, he was pleased to say that I was his counsel and his friend, recommended by by sir Trevor Williams, as hath been proved; and when his majesty was pleased to ask him what advice I had given him, he returned the king this answer, that I had bid him speak the truth with courage, to spare no man where he could justly charge any man, and to trust God and his majesty for a reward. The king was pleased to say the advice was honest, and bid him follow it. What I did in this matter I did in friendship to him, because I had a great kindness for him: I have supplied him with several guineas, with a guinea or two, when he told me he has had no bread. He was pleased to tell me that he was very sensible of the service I had done him; I appeal to him, whether ever I saw a penny of money from him in my life; he was pleased to tell me, that upon the receiving of the 500*l.* in the proclamation, he would give me a third part for that service I had done him, and would certainly repay me whatsoever I had lent, and the fees that were due to me. And, my lord, upon this I did likewise tell him, that he had not carried himself well, that he had been a very great scandal abroad and at home, and that he would not do himself right till he had advised with Dr. Stillingfleet, Dr. Tillotson, and Dr. Lloyd; I did advise him to go to the chapel, and upon conference with those worthy men, I desired him seriously to consider how he could digest so many as thirty sacraments, which he had taken as obligations of secrecy. My lord, Mr. Wharton was at that time by, and he hath often heard me give him advice to this effect. Mr. Wharton undertook to go to Dr. Stillingfleet, but he desired to be excused; I did then pray him to go to Dr. Tillotson; Mr. Bedloe told me it was no great matter, and so likewise for Dr. Lloyd. He told me they were all mercenary men, that valued 10*s.* above any man's soul, and at this rate he was pleased to treat them. I told him I was very sorry, and displeased to hear him to speak so ill of men of so great eminency in the world for learning and piety. My lord, in further discoursing with Mr. Bedloe, he told me he was overjoyed that his majesty had been pleased to take off the confinement they were under, for they had not liberty to speak to one another, he and Mr. Oates, and Mr. Dugdale; but when it was so granted, that they might now speak to one another, he told me, with exceeding rejoicing, *that they could now lay their stories together.* He did further tell me, that he had now by him several witnesses, that whatsoever he bid them swear *they would swear*, and he did confess he had not done well in some things, particularly in charging Mr. Griffith; now, my lord, that Mr. Griffith was steward to Mr. Sheldon.

L. C. J.—Before you go on in this kind, Mr. Reading, I must tell you it is not fair: here is oath made of such and such facts against you, and you talk of discourse between you and Mr. Bedloe; either produce Mr. Bedloe to say upon his oath what he hath told, or else produce some other witnesses to prove it, if you think it material; do you think your word shall pass for telling this story? all this matter will be nothing in the case, unless you apply it to discredit the witnesses, therefore, pray produce some proof, and we will hear it. If you will ask Mr. Bedloe any questions, whereby you may entrap him, and make him contradict himself, or if you will produce any other witnesses against him do it, but you must not be suffered to go on in such discourses as these, and spend time to no purpose.

Bedloe.—My lord, if your lordship please to give me leave, I will answer him.

L. C. J.—Mr. Reading, I must tell you I have as much patience as another man, and when you are charged with a crime, which you yourself know, and at first said it cannot be aggravated, I thought it fit you should have all fair liberty of speaking to defend yourself. I have had a great deal of patience to hear you already, and so have my brothers. I cannot say you have spoken unskilfully; I confess your defence is artificial, because it is nothing to the purpose. But we must hold you to the test; if you can say any thing to disprove the fact of the 28th, 29th, and 31st, of March, that is the whole matter that lies upon you, as to all other things they signify nothing.

Reading.—My lord, if I understand any thing in my defence, I did look upon this as so material, as nothing more. My lord, when I did find this, I appeal to Mr. Bedloe, and ask him this question upon his oath, whether I did not desire him, as I had desired him before, to speak home in what he knew for truth; that he would do well to remember that this land groaned for the shedding of innocent blood; and whether I did not tell him, that if he should go on to add sin to sin, and charge any man unjustly, to take away his life, whether, instead of preserving the nation, by which he thought he might well deserve of it, he might not ruin it?

L. C. J.—Do you desire that he should be asked that question?

Reading.—My lord, I do.

L. C. J.—Mr. Bedloe, you hear the question, pray answer it.

Bedloe.—My lord, I do not deny but that he hath publicly given me such advice, and hath charged me with doing of wrong in particular to Mr. Griffith; and I do acknowledge that Mr. Griffith had a great deal of wrong, but how was it? It was by the mistake of them that took him; the uncle was

taken for the nephew, who was really concerned in the plot; and that occasioned his trouble: and I told him I was very sorry for that.

Reading.—Pray, sir, did he give you a gold watch?

Bedloe.—Yes, he did, and I told the committee, and the prince of it presently.

Mr. J. Wild.—Mr. Bedloe, you received several sums of money from Mr. Reading; by the oath you have taken, were those lent to you, or did you take them to be given?

Bedloe.—Whereas he says, that I told him I wanted bread; it was an unreasonable thing for me to say so, for I had five dishes of meat every day allowed me, and how could I then want bread?

Mr. J. Atkyns.—And you had good sums of money too given to you?

Mr. J. Wild.—But, as I understand you, you said whenever you wanted money he supplied you.

Bedloe.—And sometimes gave me money when I did not ask it.

Mr. J. Wild.—But answer my question. Did he give you that money for the intent that you should lessen your evidence against the lords in the tower?

Bedloe.—This money that I received of Mr. Reading, he told me, that he had received orders from the lords, that I should have what money I came for; that at present I could not have any great sum, because they could not have money; for my lord Stafford, saith he, is felling his wood, and till that be come in, he hath not wherewithal to provide for his family, but I have orders to let you have what you want.

Mr. J. Wild.—And he gave you money after that?

Bedloe.—Yes, he did.

Mr. J. Wild.—And upon that occasion?

Bedloe.—Yes, I thought so. And whereas he says, my lord, that I was to pay him the money again, I must confess he was to have 100*l.* a year out of every 1000*l.* a year of my reward.

Reading.—By the oath you have taken was that the reward?

Bedloe.—Yes; by the oath I have taken, so it was agreed.

L. C. J.—I never knew any man go about such a business as this without some invention to palliate it with; they do not use to go downright in suborning witnesses, and say, here is so much money for you, pray forswear yourself, or pray be a knave; but pray remember that you speak nothing but the truth, and be cautious that you do not swear too much: and so it is all gilded with pretence of the desire of truth; but then they add, you shall have a very good reward for your care in it: but if this way should be allowed, to

bribe witnesses to speak the truth, or upon colour of speaking nothing but the truth, I cannot tell what will be subornation. For it is always done upon this pretence.

Mr. J. Atkyns.—Mr. Reading, there fell something from your own mouth that was discouragement enough: you asked him how he could digest 30 sacraments, which he received as obligations of secrecy, and advised him to go to divines to receive satisfaction about it. That was a discouragement.

Reading.—My lord, I did not mean it so; I did, as a christian and a loyal subject, advise him not to shed innocent blood. Mr. Bedloe, you have brought me here to this bar, pray remember you and I must be at a greater.

Bedloe.—I always remember it.

Reading.—Pray, sir, answer this question upon your oath: did I ever directly or indirectly desire you to lessen any one syllable of your evidence you knew to be true?

Bedloe.—I suppose there is no need to prove that, for there are two other witnesses have proved it already.

Reading.—But pray, sir, answer my question upon your oath.

Bedloe.—Yes, my lord, I do upon my oath declare, that upon my bringing the lords off from the charge that was upon them, I was to have such a reward, and you told me you had an order to draw up blank deeds.

Mr. J. Wild.—Mr. Reading, pray hear me; he hath gone farther than that, and hath sworn that he did lessen his evidence against Whitebread and Fenwick upon your instigation, which is not indeed in the indictment.

Bedloe.—I did then say at the Old Bailey, (because I would not spoil the design I had upon him, when my lord chief justice asked me, if that were all I could say,) I told him it was all I could say at present, but in time and place convenient I could say more.

L. C. J.—That is not the matter in question now here, but the other witnesses have sworn it sufficiently. The young lad swears expressly, that he remembers his master asked about the land in Gloucestershire, and you answered you had an order to draw up a blank deed for the settlement; and as for the other lords, you told him, he should have a good reward suitable to the service you should do them. And you, as to that, make no kind of defence, but think we should forget it by your long discourse to other purpose.

Reading.—I would not desire to spend your lordship's time in vain discourses. It lies purely on my negation, and his affirmation.

Mr. J. Wild.—No, no, it is not; here are two more, Mr Speke and his man, that swear the same.

Reading.—My lord, I come to that; and I take it for

granted the law is this, that in cases of this nature, nay of a much less nature, no man shall be accused but by lawful witnesses; and, my lord, I do insist upon it as a law; so is, my lord Lovelace's case, and 1 and 5 Ed. 6. If mine is not treason, yet it is a very heinous crime; and I am in your lordship's judgment, whether there is a possibility of having these, Mr. Bedloe and the others, to be lawful witnesses. Mr. Speke, how worthy a gentleman soever he is, is one to whom I have done particular service; I have lent him money, and to this day have it not. That he should go, my lord, and place himself behind an hanging, and put a servant on a bed, to overhear, and to evesdrop, which is the term of a crime in law; that such should pass for lawful witnesses, my lord, I hope it was never pretended to before, nor will be admitted against me. But, my lord, all my comfort is, that when I went to him, I did never propound such a thing to Mr. Bedloe since I was born. And God deal with me here, and in the next world, according to the integrity of my heart, and the truth of what I speak now. Yesterday se'nnight, when I did not hope to see another Sunday, so spent I was with the barbarous usage I have received, I did desire Dr. Tillotson to give me the sacrament, for I did not expect to live till the next morning. And I did pray him to remember, against the time when he and I were to meet before the great God, that what I was charged with in this indictment is as expressly false as ever any thing that was sworn against an innocent man. I can but say this now, come life, come death, the will of his majesty and of your lordships' be done. There never stood a more innocent man at this bar than I am of this fact I am charged with. And I do say, my lord, that having said this, I must, with your favour, proceed to tell you, that I desire Mr. Bedloe will be pleased but to give an answer to these two questions, and I have done. Pray, sir, by the oath that you have taken, did you lay in provisions of fire, coals, and billets, behind the Palsgrave's head tavern, and hard by Charing-cross, to burn the city of Westminster?

L. C. J.—Mr. Reading, we must see justice done on all sides. If you offer to ask him any question upon his oath, to make him accuse himself, we must oppose it.

Mr. J. Dolben.—He hath his pardon, my lord, and it ought not to be objected against him if so.

Reading.—The pardon of the king doth remit the punishment, but it doth not hinder its being objected to invalidate his testimony.

L. C. J.—It doth so far set him right, that you shall not make him calumniate himself.

Mr. J. Wild.—No, you shall never object it against him to accuse himself.

L. C. J.—Mr. Reading, we are in a court of law, and you are skilled in the law; you have no evidence to defend yourself by, and so you think your protestations must serve for evidence; when that will not serve your turn, you strive to lead us out of the way. Upon this question to Mr. Bedloe, there lies this dilemma against you: either he hath his pardon for what you object against him, or he hath not; if he hath not his pardon, then he is in danger of death for the crime, and must not accuse himself; if he hath his pardon, it doth take away as well all calumny as liability to punishment, and sets him right against all objection. So you know, after an act of general pardon, it is a scandal to reproach a man for that which he is thereby pardoned for. So that if he have not his pardon, his life is in danger, if he hath, neither his life nor name must suffer, and therefore such questions must not be asked him. But if you have any other questions that are pertinent to the business, propound them, and they shall be heard and answered.

Reading.—My lord, I took the law to be that no man should be accused *but by lawful witnesses*, which I took him not to be, though he hath his pardon.

L. C. J.—I understand lawful witnesses, or accusers to be such, whose testimony is not taken away by the law; if a man stands so in court, that he cannot be received to give evidence, he is no lawful witness. As if a man be convicted of perjury, he is not a lawful witness, because he cannot be heard at all. But every thing that lessens the credit of his testimony doth not make but that he is a lawful witness; for I take him to be a lawful witness as long as he can be heard at all. And as for the eves-dropping, which you, from the term of law, would infer a scandal upon Mr. Speke; I take it to be a thing that makes much for the credit of the gentleman. For he was not the man that did first detect you, you were detected before by Mr. Bedloe; and as it stood only upon his testimony, should you deny it, it was but your negation and his affirmation, and therefore it concerned him (being a deed of darkness in its own nature, when he engaged himself by his discourse as much as you) to have some of unquestionable integrity and credit to detect you further in it, and for his own vindication. And it is therefore a credit to Mr. Speke that he was thought such a person, whose credit was not to be suspected, and so was set to convict you. So that it is so far from detracting from his credit, that it shews him a man reputed to be of undoubted integrity.

Mr. J. Atkins.—Mr. Reading, this I must say to you, your aspersion of these persons with being eves-droppers, is no aspersion at all. For it was necessary for Mr. Bedloe to take this course, and it was prudent for him to make use of

unsuspected persons, to have it understood by the mouth of more than one witness what your practices were. For if he had not done it, and it had been otherwise discovered, he had been in the same danger that you are in now.

Mr. J. Wild.—I am sorry you disgrace your profession by making so weak a defence. What say you to that which passed on Saturday morning at Mr. Bedloe's?

Reading.—Mr. Bedloe did desire me to go to the lords in the tower, to tell them that he was called upon to give in his evidence against them, and that he could delay it no longer, and he bid me tell them, that is to say, my lord Stafford, my lord Powis, and my lord Petre, that if they did not assure him of a good reward he would give in such an evidence against them as should take away their lives, and he had witnesses to do it as well as he himself, but he bid me tell them, if they would give him a reward, he would put in such an evidence as would do them no hurt at all.

Mr. J. Wild.—This is directly against you, and within the words of the indictment, it is a contracting with him for a reward to lessen his evidence against the four lords. He told you, as you say, thus and thus, and you agreed to do as he said.

Mr. Dolben.—You do speak the truth plainly now.

Reading.—My lord, I do say this, that what I have said is true, in the presence of God I speak it. The lords do know this, and the Lord of Heaven doth know it, he proposed it first to me.

Mr. J. Atkins.—It is to no purpose to talk, unless you can prove it.

L. C. J.—Call your witnesses, and we will hear them. Will the jury give in their verdict upon your bare assertion? We have heard you a great while, if you will call any witnesses, do.

Reading.—I desire to ask Mr. Bedloe's man one question, whether your master, when I went along with him to fetch the privy seal for the five hundred pounds, did not desire me to lend him money for the privy seal?

Wiggins.—He said he had no money about him, and asked you if you had any, and desired you would lend him some, and then I said I had some, and so he said no more.

Reading.—Was there any thing of the consideration spoken of?

Wiggins.—I don't know that, I could not hear it. He spoke it in the open court, where there were a great many by.

Reading.—I have several other witnesses, that will give you an account, that when he hath not had any money to pay a reckoning, he hath had it from me at several times, and the very day when he had got this money, the five hundred

pounds, and it was laid upon the table in the room, in the tavern where he was, he did then desire me to let him have a guinea for to pay the reckoning, and he would pay me in the afternoon.

Bedloe.—I do not deny it, but that I have received several sums of money, for he always told me, I must trouble nobody else when I wanted money but him.

Mr. J. Atkins.—They who have to deal with men of such art as you are of, must use some art with you.

Mr. J. Wild.—Did you ever promise to pay him back the money again.

Bedloe.—No, my lord, but he was to have one hundred pounds a year out of every thousand pounds a year, that I should have from them lords.

Reading.—My lord, I do here declare that I never had any more from the lords in the tower then thus. I had from my lord Stafford six guineas, and I do not know I had one more; I had never from my lord Bellasis more then two guineas, nor from my lord Petre than five. And that was at the time when I carried him the paper which I will give your lordship an account of by and bye. I never spoke to my lord Arundel, though I met him often; nor with my lord Powis, then upon this account. *Mr. Bedloe* did desire me to go and tell the lords in the tower, that if they did well reward him he would make the charge he had against them very easy. My lord, I did tell him this is an affair which I cannot in prudence deal in; for, said I, *you are a designing man, and how you will deal with me afterwards I do not know.* Said he, it is in your power, Mr. Reading, by this that I have said to do me a mischief, because, if you do discover what I have said to you, you will be believed; but if I should offer this against you I shall never be believed. And with all the imprecations in the world I do curse myself, if I did directly or indirectly offer to persuade him to diminish his evidence, *but he proposed it to me.* But, said I, here is one Mr. Dugdale, and he may give evidence against my lord Stafford, though you do not, and what will you do as to him. Believe me, said he, that I deal entirely with you by this token; did not Dugdale come to you to desire you to draw up his evidence; and so he did, my lord, and told me he would be responsible for it. I told him I was unwilling to meddle with such an affair, but if he would come to my chamber I would give him what leisure I had, in order to the drawing up of his evidence into a method, but he never came. *Mr. Bedloe* told me, said he, believe me in all the rest by this token, have a care of him, he is set on purpose to ensnare you. Saith he, tell from me he shall do him no harm, for he hath promised to say nothing against my lord Stafford, but what I will have him to say. I desire Mr. Bedloe will answer

upon his oath. Did I ever know one Nicholas Jordan till you acquainted me with him? Had not he some estate in Gloucestershire?

Bedloe.—Yes, my lord, I did tell Mr. Reading, that I would have such an estate settled upon me, of my lords in Gloucestershire, and his words to me were these. That he had orders to draw blank deeds for the conveying of that estate, which my lord would sign in ten days after his discharge.

Reading.—He told me, that for the other witnesses he would do well enough with them, and desired me to tell my lord Stafford that he would do so and so, let him have but a reward, and believing of it I went to the tower. I asked my lord Stafford if he knew one Nicholas Jordan, he told me he did, he had been a tenant of some estate of his. Mr. Bedloe bid me ask him whether he should not have a provision of money secured to him out of that farm. My lord, I told him I would acquaint his lordship with it. I did so, and my lord Stafford was pleased to tell me that *he would not give him sixpence, that he did value himself upon his own INNOCENCY, and the INFAMY OF HIS ACCUSERS*; that if he should offer to give him any thing, he should look upon it *as the greatest part of his guilt*, but, said he to me, Mr. Reading, this I must confess, you have been often with me, I am much indebted to you for fees for coming to me, if you will but write a letter to me, that you are not able to attend my business, and neglect other men's at this rate of being paid, and that therefore I should not take it ill that you do not come to me any more, unless you may have an assurance of being satisfied and rewarded for it. And, saith he, thereupon I will write you this in answer, that I will give you the sum of two hundred pounds to be paid to you within ten days after my acquittal; and, saith he, I will give you this assurance too, that you shall have this 200*l.* secured to you as soon as ever you shall desire it. My lord, this being the sum, but withal remember, saith he at the same time, I do here declare, and pray do not fail of remembering it, *that I will not directly nor indirectly promise Mr. Bedloe sixpence*. I went to my lord Powis, from whom I never saw sixpence in my life, and he did declare to me *that he would not for any thing in the world be guilty of the making him a promise of one sixpence*, (and this is certainly so) nevertheless, if Mr. Bedloe will not go on to do me a mischief as hitherto he hath done, and shall not go on to charge me unjustly, when I am acquitted he shall find that I will do what shall be like a gentleman, but *I will not promise one farthing*.

L. C. J.—You have said enough, Mr. Reading.

Reading.—My lord Petre said he would give never a farthing.

Mr. J. Wild.—This is against yourself.

Reading.—I cannot help it, *I did it to save innocent blood*; God's will be done with mine, I think I was bound to do this, and *I have sinned against God Almighty and my country if I had not done it.* My lord, I did come back to Mr. Bedloe and he did ask me if I had been with the lords in the tower, I did tell him yes, and I did ask him whether there was any body in the bed by him. He asked me what say the lords? I think I did tell him, in very little different terms from what I have now told you, be it of what construction it will; and whereas he says that there was 1000*l.* and writings to be drawn, I never opened my mouth to him of such a thing.

L. C. J.—What say you to the estate in Gloucestershire?

Reading.—That was only to secure the 200*l.* to me *pro consilio impenso et impendendo.* My lord, when that was done, Mr. Bedloe was pleased to tell me, for I must confess he did desire me to give him an account, and I did come very late, as Mr. Speke says. I was in his chamber about an hour; it seems it was that time that this gentleman, as he says, was there, but Mr. Bedloe not being at home I went away, and being to give him an account next morning, it seems this gentleman was there also, for he hath sworn it: when I came I gave him this account, and God knows it was no other, nor did I ever hear talk of any deed's drawing.

Mr. Speke. Did not you say that the deed was to be signed in ten days.

Reading.—I did tell him that my lord would give me a letter wherein he would promise me to secure the payment of 200*l.* within ten days after his acquittal.

Mr. Speke.—I say what you said. You had orders to draw up a deed, from my lord of Stafford; which my lord had promised faithfully to seal within ten days after he was discharged.

Reading.—It was only a deed for 200*l.* to be paid to me *pro consilio impenso, et impendendo*; and to be secured upon that estate in Gloucestershire.

Mr. Speke.—Nay, I do not know; I heard no Latin there.

L. C. J.—But what is that to Mr. Bedloe?

Mr. J. Wild.—Why should you discourse with Mr. Bedloe about your pension?

Reading.—My lord Stafford did say, when you have the money, the 200*l.* do you dispose of it as you think fit.

L. C. J.—This is nothing to the purpose, but an endeavour, by multiplicity of words, to make us forget what has been sworn. Answer the matter of the paper whereby the evidence was lessened.

Reading.—My lord, upon this, Mr. Bedloe was pleased to tell me thus in answer; that he would take their

lordships' words, and bid me go along with him, and he would go fetch that evidence that he had, and would put in such and such evidence I should write, and he should dictate. I went along with him to York-buildings, where he said his mother lay; and there he said he had left his papers; but when he came there, they were not there, but he told me his memory should serve; and we went back to the chamber. And, my lord, it seems these gentlemen were there before, and Mr. Bedloe sent them away; and when they were gone, we went into a room together, where he did dictate to me every syllable I wrote. And when he had dictated, and I had written it, I read it, and he read it again himself. And having perused it, he said, this is that which, I think, is kind to them; and this is that I can come off with well enough in saying it; for I can make it out afterwards that it was by hearsay. And this, saith he, do you take along with you, and carry it to the lords, and let me have their answer. And this is that very paper that I did write in Mr. Bedloe's chamber by his directions, and dictated from his mouth.

Mr. J. Atkins.—And you did carry it to the lords?

Reading.—Yes, I did. And, my lord, when I had done this, I did ask him this question, (I did not direct him any one syllable; but as he dictated, so I wrote,) what he had to say against my lord Bellasis, and my lord Arundel? He told me, that although he was resolved to be kind to those lords, yet he was resolved the other should die. And he told me that the 4000*l.* and the 1500*l.* that was to be paid to sir George Wakeman, was to be paid by my lord Bellasis. And, my lord, I began to write, and did write five or six lines here in this paper, and then left off. My lord, when I had done this, I went to the tower the first opportunity; I did come to my lord Stafford, and I shewed him this. He told me, that he did find that Mr. Bedloe would now begin to be an honest man. My lord, afterwards I went to my lord Petre's, and shewed it to him; and he did at that time, my lord, give me five guineas; and before that I never saw a penny of his money in my life. I went to my lord Powis, and when I came, I found sir Henry Titchborne in the chamber; and it being late at night, and it being parliament-time, and I having persons that staid for me, I did desire to be excused; though sir Henry was pleased to walk out upon the leads, leaving my lord and me together, yet did not I shew him any one syllable of this paper, nor did I say any thing to him concerning it. My lord, I think it was upon the Monday morning that I came to Mr. Bedloe's: he was not within; I then came to the painted chamber, and I was going up to the house of lords; and Mr. Bedloe met me in the court of requests, or the painted chamber, one of them,

and this gentleman was with him. And there he asked me for a paper: I had writ it out before, and it is this very paper that is now with Mr. Clare. He did desire me after I had been with the lords, to deliver a copy of this to them to write it out, and I did so; and this is writ in the third person, the other was writ in the first person. And I think there is no other alteration in it. My lord, that which I did deliver to this gentleman Mr. Bedloe before Mr. Speke, was in the first person, the other was in the third. What they did with it afterwards, I cannot tell. My lord, after this, the 500*l.* was received, and he promised to pay me all the next morning, and prayed me that I would come to his chamber, but when I came, I missed of him; his clerk told me he was gone abroad. I came here to Westminster, and when I came there, I went up to the speaker's chamber to speak with my clients there; but when I came up, the door was fastened, and I was arrested. My lord, I have done; and let it be with me, or against me, this is what I said to the committee of secrecy, and I speak to your lordship under the greatest tie and obligation to speak truth in the world, that this is all I know. And whereas Mr. Bedloe did tell your lordship, that this writing that I have drawn was not as he directed, but that I carried it to the lords, and their lordships did correct it, and I brought it back again, that I did bring him another paper: that very copy which I writ out in the chamber in the third person I have, and this that is produced against me, is in the first person, and I desire your lordships to look upon it, and judge whether there be any correction more than the alteration of the person.

Then both the papers were shewn to Bedloe.

Bedloe.—Your lordships may see both these papers are fair writing, without interlining; but there were above forty interlineations in that paper that was written in my chamber.

L. C. J.—This agrees with what you said before, that when you did put in any thing that was home, he would correct it, and say, this is treason, and this will charge them; and so mended it. And it was natural there should be two papers; that which was to be kept for the lords, was in the third person, importing that he saith so and so, and the other was in the first person, which was to be kept by Mr. Bedloe, for the helping of his memory, I heard so and so, that he might know how to observe his contract. But what say you to this, that the first paper was, as Mr. Bedloe says, corrected, and had many interlineations, and cannot therefore be the same with that you produced?

Reading.—My lord, I hear it; I have but this thing to answer, let it avail me any thing or nothing. I speak it in the presence of God, (pray favour me) this paper is the very

paper that I did write out; there is no other interlineation in it than what you see. It never went out of my hand, from the time of my writing it in Mr. Bedloe's chamber, till the time that I shewed it them in the tower, and I did deliver it to Mr. Sacheverel.

Mr. J. Wild.—Aye, but there was another paper, there was a paper corrected according to your intention, and then you caused this paper to be writ out, and it was never seen since.

Reading.—No other, upon my word.

Mr. J. Wild.—But he swears it, and it is obvious to the least understanding here.

Reading.—My lord, I have only this to say, that it is not true.

L. C. J.—But it is very probable, and it is sworn to be true.

Reading.—I can only say, it is not true.

Mr. J. Wild.—I have one thing to say to you: with what colour could you justify what you did, to carry the king's evidence to the prisoners, if it were no more than that?

Reading.—I have but to this answer for that; *I did not know it was a crime.*

Mr. J. Wild.—There is no mean capacity but what knows that is a crime.

Reading.—I did look upon it as a crime if *I had not done it*, and *conscientia errans ligat*: it was a point of conscience to me to do it. *I did think it a duty I owed to God, to prevent perjury; and a duty I owed to my country, to prevent innocent blood.*

L. C. J.—Will you impeach the justice of the kingdom in that manner? You are a man of the law, do not you know, that no man ought to be of counsel for a prisoner in felony or treason, till they are assigned? and for you to carry the king's evidence to the prisoner, as you yourself confess, how can you excuse it? and here are witnesses that heard you contract with him to lessen his evidence, and *cui bono*? Was not this out of favour to the lords in the tower, to get them off? Now you by multiplying your discourse, instead of vindicating yourself, have spoiled the matter, and confessed that which amounts to the whole charge.

Mr. J. Atkins.—And you confess you were to have two hundred pounds from my lord Stafford, which you were to distribute as you thought fit.

Mr. J. Jones.—And you have confessed, Mr. Reading, that not only you have endeavoured to take off Mr. Bedloe, but Mr. Dugdale too: for it was you first started that point.

Reading.—My lord, I have no more, I did never desire him to speak one word less than the truth, and the whole

truth; but I did *my endeavour to prevent perjury, and the shedding of innocent blood*; and this I did *as a good christian*.....Then, my lord, I pray this; there is one Prickman, a merchant in town that is broke, he wrote to me for a protection, and I desired Mr. Bedloe that he would help him to a protection; he said he would, and spoke to the prince and others of the lords, but could not get one, for I called upon him to know his answer; but withal, told me, he had a better contrivance than any protection could be given him from a single lord, and that is this: that he would say, he was one of his witnesses, and that, upon that account, he would get him a protection from the committee of secrecy, and they would believe whatever he said to them. I told him, I did not know what signification that might be to my friend; he told me, yes, for he had given it to several already. I asked him how he could justify it if it were questioned; oh, said he, let him say any thing, that he hath heard somebody or another in a coffee-house call me rogue. My lord, I never saw Mr. Prickman since; but saith he, here, I will give you this business for the protecting of him, and he underwrit this as from Mr. Treby:—"Pray do not fail to come to me every hour, to receive what orders the committee shall send to you by me, that we may not neglect his majesty's special business; and if you do receive any let or hindrance by any person whatsoever, send to me, and I will cause those people to be so severely punished, as so great a contempt does merit." This was, my lord, before my treating with the lords in time, the 25th of March. My lord, when I did find he had got such tricks and ways, I did apprehend and resolve (pray give me your favour in expression) not to do any prejudice to the king's evidence: for, my lord, I do think he is not an evidence for the king, that does go about by any indirect means to commit a crime. But, my lord, I think he is a servant to the nation, and does a very good piece of service to the king, that goes about the taking away the guilt of innocent blood.

L. C. J.—Indeed, Mr. Reading, we must not suffer this: I told you before, that by such discourse, you impeached the justice of the kingdom: if you had suspected Mr. Bedloe's honesty or truth, you should have gone to the king, or council, or the secret committee, (they are men of honour, and would have been as tender of men's lives, as you or any other man) but for you to do it of yourself in this way, shews it but for a plausible excuse to colour your corrupt dealing.

Reading.—My lord, I have but this, and I have done. At the time when I was taken, I have several witnesses to prove it, that I was resolved to give his majesty, or the secretaries, an account of it; and I did ask Mr. Bedloe for an account

he had given against the queen; and I had the paper by me at the same time when I was taken: and I have several witnesses by me, to prove that at that time——

L. C. J.—Mr. Reading, this is nothing to the purpose: will you have done? unless you can speak to the fact you are charged with. The court hath had a great deal of patience with you already.

Reading.—I have done, my lord.

The lord chief justice then addressed the jury in a short charge, after which they retired for a few minutes, and on their return pronounced the prisoner guilty. Upon this decision of the jury, Mr. Justice Wild immediately said, “ ’Tis a very good verdict.” The lord chief justice observed, “ It is a very good verdict, the matter lay in a small room, and I wonder how Mr. Reading could make it so long.”—Mr. Justice Atkins added, “ He was the greatest witness against himself.” The lord chief justice, after a short address, then pronounced the sentence of the court, which was, that he be fined a thousand pounds, imprisoned for one year, and stand in the pillory for one hour, in the palace yard in Westminster. On the Monday after his trial, Mr. Reading was placed in the pillory; and the fury of the rabble was so great, that had not an extraordinary guard been provided for his safety, some fatal mischief would have been done to his person.

This sentence was no sooner passed, says Echard, but the house was heated and alarmed with a new account of the papist’s designs of firing the city; and a servant maid, called Elizabeth Oxley, was found to have set fire to her master Bird’s house, in Fetter-lane, which, by the help of the watch, was soon extinguished. She declared, upon her examination, that she was employed by one Stubbs, a papist, who promised her five pounds. Hereupon Stubbs was seized, who acknowledged he had persuaded her to do it; but further declaring, that father Gifford, his confessor, had put him upon the business, and told him it was no sin to fire all the houses of heretics; and that Gifford had promised him a hundred pounds for the same, and told him he was to have the money from the church.* He likewise said, that he used to meet the said Gifford, with Flower and Clinton, two Irishmen, in St. James’s fields, in the dusk of the evening, to consult these matters. Moreover, these two, Stubbs and

* Stubbs does not appear in a very amiable light in this transaction, nor was he very generous towards the poor girl whom he employed to do his dirty work. This fellow says he was to have a hundred pounds from the church for doing the job, and then had the conscience to persuade his servant-maid to perform it for five pounds. What an avaricious scoundrel! How much it redounds to the honour of parliament in petitioning his majesty to pardon so *worthy* a character!!!

Oxley, declared to the house several other things concerning an insurrection at home by papists, and an invasion of 60,000 men speedily to be made by the French, &c. Upon which free confessions, the house of commons petitioned the king for a pardon for these two, and a proclamation against Gifford and the two Irishmen, both which were readily granted. This story, continues Echard, seemed to have laid a foundation for Bedloe's strange narrative about fires, with which he shortly after alarmed and frightened the weaker part of London and Westminster. However it was, as soon as it was reported in the house, on Saturday, April 26, the commons shewed a more than ordinary resentment; and, besides their address for the execution of Pickering, and other condemned priests, they resolved, *nemine contradicente*, "that this house will sit to-morrow (Sunday) to consider the best ways and means to secure and preserve the king's person, and also the protestant religion, against the attempts of the papists, both in the reign of his majesty and his successor." Accordingly, the next morning, they first ordered a bill to be brought in to *banish all papists or reputed papists within London and Westminster twenty miles from the same for six months*; and then they came to their grand resolve, which was also carried *nemine contradicente*, "that the duke of York being a papist, and the hopes of his coming such to the crown, has given the greatest countenance and encouragement to the present conspiracies and designs of the papists against the king and the protestant religion;" and they desired the concurrence of the lords to this vote.

To prevent the bold measures likely to ensue from these resolutions of the lower house, the king proposed to parliament, through the lord chancellor, some limitations, which were of the utmost importance, and deprived the successor to the crown of the chief branches of royalty. The commons, however, were so much actuated by the cabals of Shaftesbury, and other malcontents, and heated with the continued infusions and repeated stories about popish and arbitrary designs, that they knew not how to proceed with that calmness and clearness necessary to a legislative body. The projected limitations were, 1. That no popish successor shall present to ecclesiastical benefices. 2. That during the reign of such popish successor, no privy councillors, judges, lord-lieutenants, or deputy-lieutenants, or officers of the navy, shall be put in or removed, but by authority of parliament. 3. That as it is already provided, that no papist can sit in either house of parliament, so there shall never want a parliament when the king shall happen to die, but that the parliament then in being may continue indissoluble for a competent time, or the last parliament reassemble, &c. These provisions were not, however, sufficient to pacify the

apprehensions of the commons, who were so much taken up, says Echard, with their fears for the safety of such dear and precious things as religion and liberty, that they would not resolve upon any other expedient, during the debates upon this important subject, than the total exclusion of the duke of York from the throne of these kingdoms. Accordingly, on *Sunday*, the 11th of May, they ordered, that a bill should be brought in to disable the duke of York from inheriting the imperial crown of these realms; and immediately after they unanimously resolved, "that in defence of the king's person, and the protestant religion, this house doth declare, that they will stand by his majesty with their lives and fortunes; and that if his majesty should come by *ANY violent death*, (which God forbid) they will *revenge it TO THE UTMOST on the papists.*"* On the 15th of the same month, the commons perfected their grand bill, which obtained the name of the *Exclusion Bill*, and was read a first time without opposition. The preamble of this legislative measure set forth: "That forasmuch as these kingdoms of England and Ireland, by the wonderful providence of God, many years since have been delivered from the *slavery and superstition of popery*, which has despoiled the king of his sovereign power, for that it did and doth advance the pope of Rome to a power over sovereign princes, and makes him *monarch of the universe*, and doth withdraw the subjects from their allegiance, by pretended absolutions from all former oaths and obligations to their lawful sovereign, and by many superstitions and *immoralities* hath quite *subverted the ends of the christian religion*. But notwithstanding that popery hath been long since condemned by the laws and statutes of *this* realm, for the detestable doctrine and traitorous attempts of its adherents, against the lives of their lawful sovereigns, kings and queens of these realms. Yet the emissaries, priests, and agents for the pope of Rome, resorting into this kingdom of England in great numbers, contrary to the known laws thereof, have, for several years last past, as well by their *own devilish* acts and policies, as by counsel and assistance

* "Had the commons (says Dodd, in his Church History, vol. iii. p. 215) remained in this humour, and the Rye-house plot taken effect, when several factions *protestants* designed to kill the king not long after, no time could have blotted out the infamy of their resolve; and though Providence protected his majesty upon that occasion, yet they will stand in need of a better apology than I am able to make to wipe off the aspersion of rashness and cruelty in regard to the catholics. Many protestant writers have endeavoured to invalidate the existence of *this* plot; but Hume observes, ch. 59, in a note, "that it is in the main *confirmed* by bishop Sprat, and even Burnet, as well as by the trials and *confessions* of the conspirators. So that nothing (he says) can be more unaccountable than that any one should pretend that this conspiracy was an imposture, like the popish plot. Monmouth's declaration, published in the next reign, confesses a consult for extraordinary measures."

of foreign princes and prelates, known enemies of these nations, contrived and carried on a most horrid and execrable conspiracy, to destroy and murder the person of his sacred majesty, and to *subvert the ancient government* of these realms, and to extirpate the protestant religion, and massacre the true professors thereof. And for the better effecting their wicked designs, and encouraging their villainous accomplices, they have traiterously seduced James, duke of York, presumptive heir of these crowns, to the communion of the church of Rome, and have induced him to enter into several negociations with the pope, his cardinals, and nuncios, for promoting the romish church and interest, and by his means and procurement, have advanced the power and greatness of the French king, to the manifest hazard of these kingdoms, that by the descent of these crowns upon a *papist*, and by foreign alliances and assistance, they may be able to succeed in their wicked and villainous designs. And, forasmuch as the parliaments of England, according to the laws and statutes thereof, have heretofore, for great and weighty reasons of state, and for the public good and common interest of this kingdom, directed and limited the succession of the crown in other manner than of course it would otherwise have gone, but never had such important and urgent reasons as at this time press and require their using of their said extraordinary power in that behalf. Be it, therefore, enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in this parliament assembled, and by the authority of the same, and it is hereby enacted accordingly, that James, duke of York, Albany, and Ulster, (having departed openly from the church of England, and having publicly professed and owned the popish religion, which hath notoriously given birth and life to the most *damnable* and *hellish* plot, by the most gracious providence of God lately brought to light,) shall be *excluded*, and is hereby *excluded and disabled* from inheriting the crowns of England, Scotland, and Ireland, with their dependencies; and of enjoying any of the titles, rights, prerogatives, and revenues belonging to the said crowns. The bill further provided, that in case his majesty should happen to die, or resign his dominions, they should devolve to the person next in succession, in the same manner as if the duke were dead. That all acts of sovereignty and royalty that prince might then happen to perform, were not only declared void, but to be *high-treason*, and punishable as such. That if any one, at any time whatsoever, should endeavour to bring the said duke into any of the forementioned dominions, or correspond with him in order to make him inherit, he should be guilty of high treason. That if the duke *himself* ever returned

into any of these dominions, considering the mischiefs that must ensue, *he* should be looked upon as *guilty of the same offence*; and *all* persons were authorised and required to *seize upon and imprison him*, and in case of resistance made by him or his adherents, to subdue them *by force of arms*. This bill, which implied banishment as well as exclusion, passed the lower house by a majority of seventy-nine. The parliament being soon after prorogued, and finally dissolved, it did not proceed any further at that period. Previous to the prorogation, the commons also gave another instance of that prejudice and passion by which they were guided, in regard to the five lords in the tower. A committee had been ordered to prepare matters for their trial, but suspecting that the bishops would probably vote in favour of these injured noblemen, they gave instructions to this committee to collect what they could from the records and precedents of parliament, in order to prevent the prelates from giving their suffrages on the occasion. This proceeding occasioned a warm debate between the two houses, and several able treatises were published for and against the question; and the dispute ultimately put a stop to the trials, to the great disappointment of the commons. In short, nothing was too absurd, too inconsistent, or too infamous, for the leaders who headed the popular faction at that period.—While the courts of judicature were trying *catholic* prisoners, and urging to the juries who were to decide upon their guilt or innocence, the heinous crime of deposing kings and princes, with all the fury and hypocrisy of fanaticism and bigotry; the factious incendiaries in parliament were labouring to pass a bill which went to *depose and disinherit a catholic prince* of his sovereign rights and immunities. Nor is this all; these diabolical politicians, when they found themselves frustrated in their iniquitous plans, by the strong and spirited measures of the king, shortly after entered into a *real* conspiracy to assassinate his majesty and the duke, and subvert the government, although they had been instrumental in executing several innocent catholic victims under pretence of having attempted to commit the same crimes. A plain proof that it was neither loyalty nor justice which prompted them in their nefarious designs against popery and the jesuits, but their own wicked and ambitious desires of revenge and arbitrary rule.

CHAPTER VII.

Trial of Fathers Whitebread, Harcourt, Fenwick, Gavan, and Turner—Objections of Whitebread and Fenwick to the trial—Opinions of the Judges—Evidence for the Crown—Defence of Prisoners—Charge of the Chief Justice—Trial of Mr. Langhorne—the Charge and his Defence.—Condemnation and Execution of the Prisoners—Energetic and solemn Declarations of their innocency.

IN the mean time, writes Echard, the business and credit of the plot was successfully carried on in the grand trial of the five noted jesuits, viz. Thomas Whitebread, provincial or chief of the jesuits in England; William Harcourt, reputed rector of London, John Fenwick, procurator of the jesuits in England, John Gavan, and Anthony Turner, all priests and jesuits, men of gravity, learning, and education, who, on the 13th of June, 1679, were brought to the old Bailey and tried by the lord chief justice Scroggs, and the rest of the judges of England. The proofs against them were long and consisted of divers particulars. After the indictment had been read, Mr. Whitebread addressed the court in the following words:—"My lord, I desire to speak one word; I am advised by counsel, and I may, and ought to represent it to this court, for not only my own life, but the lives of others of his majesty's subjects, are concerned in it, that upon the 17th of December last, I was tried upon the same indictment, the jury was impannelled and called, I put myself into the hands of the jury, and the evidence was brought in and examined, particularly against me, and was found insufficient, so that the jury was dismissed without any verdict; I humbly submit myself to your lordships and this noble court, whether I may not have counsel in this point of law, to advise me, whether I may and ought to plead again the second time; for according to law, I am informed no man can be put in jeopardy of his life the second time for the same cause."

L. C. J.—You say well, Mr. Whitebread.

Whitebread.—I speak it not for my sake only, but the sake of the whole nation; no man should be tried twice for the same cause; by the same reason, a man may be tried twenty or a hundred times.

L. C. J.—You say well, it is observed, Mr. Whitebread; but you must know, that you were not put in jeopardy of your life for the same thing, for first the jury were discharged of you: it is true, it was supposed when you were indicted, that there would be two witnesses against you, but that fell out otherwise, and the law of the land requiring two witnesses to prove you guilty of treason, it was thought rea-

reasonable that you should not be put upon the jury at all, but you were discharged, and then you were in no jeopardy of your life.

Whitebread.—Under favour, my lord, I was in jeopardy; for I was given in charge to the jury, and it is the case of Seyer, in 31. Eliz. he was indicted for a burglary committed the 1st of August, and pleaded to it, and afterwards another indictment was preferred, and all the judges did declare that he could not be indicted the second time for the same fact, because he was in jeopardy of his life again.

L. C. J.—Surely, you were not in jeopardy, and I will shew you how you were not; suppose you had pleaded, and the jury were sworn.

Whitebread.—They were so in my case.

L. C. J.—It is true they were, but supposing that presently upon that, some accident falls out, a witness is taken sick, and be feign to be carried away, or for any reasonable cause it should be thought fit by the court to discharge the jury of it, that they should not pass upon your life, are you in jeopardy then?

L. C. J. North.—I would have you be satisfied with reason and the course of law, that other men's lives are under as well as yours. The oath the jury take is, that they shall well and truly try, and true deliverance make of such prisoners as they shall have in charge; the charge of the jury is not full till the court give them a charge at the last, after evidence had, and because there was a mistake in your case, that the evidence was not so full as might be, the jury, before ever they considered concerning you at all, they were discharged, and so you were not in jeopardy; and I, in my experience know it to be often done, and it is the course of law; the clerks will tell you it is frequently done here and at other places; and this is not the same indictment, and it contains further matter then that you pleaded to before. And then if you will make this plea good that you go upon, you must alledge a record, and shew some record to make it good, and that cannot be because there is none; and so it will signify nothing to you, as you have pleaded it.

Whitebread.—I desire the record may be viewed, it remains with you, I do only present this to your lordship and the court, and desire I may have counsel.

L. C. J.—No, not all, there is no entry made of it.

Whitebread.—I desire that counsel may advise me, for I am advised, that according to the law of the land I ought not to plead again, and I hope your lordships will be of counsel for me.

L. C. J.—Look you, Mr. Whitebread, there is no entry made upon it, and the reason is, because there was no trial;

and there was no trial because there was no condemnation or acquittal; if there had been, then you had said something.

Whitebread.—That which I ask is, whether I ought not to be condemned or acquitted.

L. C. J.—No, it is only in the discretion of the court. For if a man be indicted for murder, and some accident should happen (when the witness come to prove it) that he should be taken ill, and so be carried away, should the murderer escape?

Whitebread.—That is not in my case, you may do as you please.

L. C. J.—But we shew that it is in the discretion of the court to discharge the jury upon such accidents, and then the party is not in jeopardy.

Whitebread.—I have only prayed your lordship's discretion in this.

L. C. J.—You ought to plead, and must plead.

L. C. J. North.—I suppose if any of my brethren are of another opinion than what we have expressed, they would say so.

Court.—We are all of your opinion.

L. C. J.—All the judges of England are of the same opinion.

Mr. Record.—It is the constant practice.

L. C. J.—It is frequent in all places, it is no new thing.*

Whitebread.—My lord, I am satisfied.

Fenwick.—I was tried before with Mr. Whitebread, our case is the same; the only reason why (I presume) we were not proceeded against was, because the second witness declared he had nothing to say against us; that was Mr. Bedloe, who said, as to Mr. Whitebread and Mr. Fenwick I have nothing to say against them; if he had given the same evidence against us as he had done against the rest, we had been condemned; and had suffered, and so I suppose we ought to have been discharged.

L. C. J.—No, it was not reasonable you should be discharged; it remains in the discretion of the court not to let a man that is accused of a great and capital crime escape, if there be one witness that swears expressly; do you think

*The continuator of Baker's History, alluding to the trial of Ireland, Pickering, and Grove, when Bedloe charged Whitebread and Fenwick only with hearsay, says, "Upon this occasion the court committed a most enormous and crying act of injustice. For when they saw these two must be cleared, they, by a quirk in law, pretended to discharge the jury of them, and put off their trial to another time; though they had pleaded to the indictment, and the jury was sworn, and the witnesses examined. They pretended, indeed, they had precedents for this; but, as a great man observes, precedents against reason only prove that the like injustice has been committed before."

it reasonable such a man should go scot-free, though there wanted two that the law requires? You were not in danger, your lives were not in jeopardy.

Fenwick.—My lord, we were in the same danger with those three that suffered.

L. C. J.—No, we never let the jury go together to consider whether you were guilty or not guilty; we did prevent your making your defence, because we thought it not a sufficient charge.

The court then proceeded to form the jury, but on the name of sir Philip Matthews being called, Mr. Whitebread challenged him, and petitioned that none of those who were on any of the former trials should be on this jury, they having already passed their judgment upon the evidence they had heard. The lord chief justice told him he might challenge them, and ordered the clerk of the crown not to take any of those who were upon the last jury in this cause. "Nor," observed Mr. Gavan, "any of the former juries. We do this that we may avoid giving your lordship any further trouble, because if we should stay upon particulars, we should too much trouble the court."—To this the lord chief justice North said, "Look you, I will tell you by the way, you have the liberty to challenge peremptorily so many. All we can do is, to give direction to the clerk, if he do not pursue it, we do not know them, we can't tell, you must look after that."

The jury were then sworn, and Mr. Belwood opened the indictment, who was followed by sir Creswell Levins.—The first witness produced was Oates, the sum of whose evidence was,—1. That the great consult of the 24th of April, 1678, was by order of Whitebread the provincial; and that he, Fenwick, Harcourt, and Turner, did all in his presence sign the resolve for the king's death. 2. That Whitebread, after his return to St. Omer's, did say, he hoped to see the black bastard's head at Whitehall laid fast enough; and if his brother should appear to follow his footsteps, his passport should be made too. 3. That in July, Ashby, a priest, brought over instructions from Whitebread to offer sir George Wakeman ten thousand pounds to poison the king; and also a commission to sir John Gage to be an officer in the army they designed to raise, which the witness delivered to sir John. 4. As for Gavan, though he could not positively say he saw him at the consult, yet he saw his hand subscribed to the resolve; and that in July 1678, he gave them in London an account how prosperous their affairs were in Staffordshire and Shropshire; that the lord Stafford was very diligent, and that there were two or three thousand pounds ready there to carry on the design, all which he heard him afterwards declare in father Ireland's chamber.

Oates in giving his deposition on this trial, as well as on the former ones, together with the other witnesses, received the most partial assistance from the whole bench. During the time of his delivering it, he was frequently questioned by the prisoners, who, it is to be observed, were unaided by counsel, particularly as to the precise period in the month of July when Gavan was in town; but the lord chief justice North told them that by this means they might put out any witness in the world, by interrupting them. "When the witness hath done his testimony (said this partial judge) you may ask him any questions to ascertain the time or any thing; but you must not interrupt him till he hath done."—Oates having concluded his evidence, the following questions were put to him by the prisoners, to which the witness gave the subjoined answers:—

Gavan.—Mr. Oates, you say you saw my name to a letter for the taking up of money. To whom was that letter writ?

Oates.—There was a letter from you to Mr. Ireland. And he did receive it by the hands of Grove.

Gavan.—Where was that money to be taken up?

Oates.—My lord, I say that letter was received by Grove, who is out of the way, and can't prove it, and was delivered to Ireland.

L. C. J.—I perceive your memory is not good.

Gavan.—I perceive his memory is very good.

Oates.—This letter did give an account of the business of Staffordshire, and the particulars of that Mr. Gavan did afterwards give an account of by word of mouth, and some other things not fit to be named.

Gavan.—Pray where was it, sir, that I gave an account of it, in London, or in the country?

Oates.—In London.

Gavan.—In what month?

Oates.—In July it was.

Gavan.—What part of July?

Oates.—It was when Mr. Ashby was in town, the beginning or middle.

Gavan.—Just now you said it was in the latter end.

Oates.—My lord, I beg this favour, that if the prisoners at the bar ask any questions, they may be proposed to the court, for they are nimble in their questions, and do a little abuse the evidence. They put things upon them that they never say.

Mr. J. Pemberton.—Propose your questions to the bench that you would have asked.

Gavan.—I will do so, my lord, in whose honour I have more confidence than in whatsoever Mr. Oates says or swears.

L. C. J. North.—Don't give the king's witnesses ill words.

L. C. J.—See if you can catch him, he gives you a long and exact account as can be given by any man in England; and pray direct yourself, Mr. Whitebread, to the court.

Whitebread.—He says he was here in April, and at the consult; now I desire to know, how long before that time were you and I acquainted?

Oates.—Why, before that time I never saw Mr. Whitebread's face.

Whitebread.—What employment were you to have? and what reward?

Oates.—When I came away from St. Omers, I was to attend the motion of the fathers at your chamber, and to carry the resolve from chamber to chamber, where the fathers were respectively met.

Fenwick.—How long did you stay in town?

Oates.—Truly I can't tell you exactly, but from the time I came into England, to the time I went out again, was under twenty days.

Fenwick.—Who were they that came over with you? Name the parties!

Oates.—I will tell you who they were; but it is so long since, I can't exactly remember.

Fenwick.—You need not trouble your memory, you have them in your narrative.

Oates.—My lord, there was father Williams, the rector of Wotton; the rector of Leige, sir John Warner; sir Thomas Preston, and some others.

Whitebread.—Was not Mr. Nevil there?

Oates.—I believe he was, it is like he might be there.

Whitebread.—Was not sir Robert Brett there?

Oates.—I believe he might.

Whitebread.—You have said so in your narrative.

L. C. J.—Perhaps a man will venture to write more than he will swear; not that he does write what he does not believe, but that he knows he ought to be more cautious in his oath than in his affirmation.

Fenwick.—My lord, with your lordship's favour, it is upon oath.

L. C. J. North.—Fenwick, you are in a court of law, and we must go according to the law; if you will prove any contradiction in him to his oath, you must bring the persons here that saw him take the oath; and you must not think to take a pamphlet for evidence.

Fenwick.—It was sworn before a justice of peace, and will not, I suppose, be denied; and therefore he must make his evidence agree with it, being part of his narrative.

Gavan.—You speak of one thing in August, and of another in July; which month saw you me in?

Oates.—I told you I saw you in town in July, and when

father Ashby or Thimbleby was in town. And you said you would go and see him.

Mr. J. Pemberton.—He says it was in July, and that's enough.

Gavan.—What time, in July?

Oates. It was towards the middle or latter end.

Gavan.—Was it before Mr. Ashby went to the bath?

Oates.—It was so.

L. C. J.—He says he saw you in town when Ashby was in town, which was towards the latter end of July, or beginning of August. He cannot tell exactly whether, but positively he says before Mr. Ashby went to the bath.

L. C. J. North.—Well, to satisfy you, we will ask Mr. Oates the question again. Can you recollect whether it was the middle or latter end of July?

Oates.—My lord, as near as I can remember, it was about the middle of July that Ashby came to town, and he did not stay in town above a fortnight. And it was whilst he was in town, and designed to go down to the bath, that this gentleman came to town, and gave account of the particulars of that letter.

L. C. J. North.—You may ask him any questions, but I would have you observe what account he gives, that about the middle of July Ashby came to town, that he stayed in town about a fortnight as he believes, that, during that time, you came to town, and then was this discourse.

Oates.—During that time I saw him in town, but I know not exactly when it was.

Gavan.—My lord, I would ask him one question, the thing that is brought against me is this, he says Mr. Ashby came to town in the middle of July; that he stayed in town a fortnight; that while he was there I came to town and had such discourse. Now, my lord, I desire to know whether it was the first week or last week that Ashby was in town that he saw me.

L. C. J.—If he can answer it, let him.

Oates.—My lord, I cannot.

L. C. J.—He tells you he cannot charge his memory with it.

Oates.—No, my lord, nor will not.

L. C. J.—Really, I believe there is scarce one in all this company able to give an account of a particular time of a passage so long ago.

Gavan.—No doubt he hath an excellent memory.

L. C. J.—And if he had not some memorials of this, he could not do it. And though he hath memorials of the most eminent passages, yet we can't suppose he hath of all circumstances.

Gavan.—But this is the substance; and your lordship

may conceive that not without reason I urge it; for if Mr. Ashby came to town the beginning of July, and stayed but a fortnight in town, and I came to town while he was here, it must be in one of the two last weeks. Now I would have it ascertained, because I may disprove it in one week or in the other.

L. C. J.—'Tis true you did not amiss in asking the question, if he were able to answer it; but if it be either, it is enough to prove you guilty.

Gavan.—Pray was it only one time or diverse, that you saw me in London.

Oates.—It was but one day, but as near as I remember, I saw you twice that day: and I'll tell it you by a particular circumstance, that I saw you in the afternoon when you were a little illish, and there was a cordial brought to you by an apothecary, that went by the name of Walpoole.

L. C. J.—Here is memory refreshed by a circumstance you see. Whither was it brought to him?

Oates.—To Ireland's chamber.

Gavan.—Who brought it, sir?—*L. C. J.*—An apothecary, he says whose name was Walpoole.

Gavan.—My lord, I never saw Walpoole in all my life.

L. C. J.—I believe he is known well enough, such an one as Walpoole the apothecary: but ask what questions you will.

Oates.—I cannot say whether it was Walpoole himself, or his man that brought it.

Gavan.—I do as truly believe there is a God, and heaven, and an hell, as any one here does; as I hope for salvation, as I hope to see God in heaven, I never saw Mr. Oates before the day in January, when he says I had the periwig on, and he did not know me: and as for July, I call God to witness, I never saw him then.

L. C. J.—You were in town in July?

Gavan.—Upon my salvation I was not in London.

L. C. J.—You will prove that by and bye.

Fenwick.—I hope, my lord, we may ask him any questions in the court, of our evidence, to make things clear?

L. C. J.—Yes, you may.

Turner.—Did you ever see me in all your life, before you saw me at Whitehall?

Oates.—You were then in a disguised habit, and a nasty periwig, and I did not know you so well.

Turner.—You, at Whitehall, was pleased to tell me, I went by another name.

Oates.—I don't value names, but your person: you are the man.

L. C. J.—You are the man he says.

Turner.—Did you see me at the consult?

Oates.—I saw the man that speaks to me.

Turner.—Who were there? and how many were present?

Oates.—There were about forty or fifty.

L. C. J.—When you have but one name apiece, then he can hit it right, but when you have so many names, then you are too hard for him.

Turner.—Did you see me at the White-horse?

Oates.—That I will not say; for when they were in lesser clubs or colloquies, I was sure of better acquaintance with them?

Turner.—Where was it you saw me?

Oates.—At Mr. Fenwick's chamber.

Turner.—At Whitehall, you said it was at Wild-house.

Oates.—My lord, because the chiefest part of the consult sat at Wild-house, we called it all, the consult at Wild-house.

L. C. J.—I see your defence will be little else but capitiousness, to disprove him in circumstances of time, place, persons, or numbers; now all these are but little matters to the substance: it is true, Mr. Whitebread, if you can prove you were not at that place at that time, it will do you great service.

The next witness for the crown was Stephen Dugdale, "a new evidence (observes Echard) lately appearing, formerly a servant to the lord Aston, from whom he is said to have embezzled three hundred pounds." He swore, 1. Against Whitebread, that he saw a letter under his hand to father Ewers, a jesuit, and confessor to the witness, in which he ordered him to be sure to choose men that were hardy and trusty, no matter whether they were gentlemen; and he swore what they were to do; and that the words under his hand were in express terms—for killing the king. 2. Against Gavan he swore, that he entertained the witness to be of the conspiracy to murder the king, as one of those resolute fellows described by Whitebread; and for that end they had several consultations in the country, as at Boscobel, and at Tixal, in September, 1678; and he heard them talk in one of these consults, that it was the opinion of the monks at Paris, who were to assist in the conspiracy, that as soon as the deed was done, they should lay it on the presbyterians, and so provoke the other protestants to cut their throats: that he had intercepted and read above a hundred letters to the same purpose, to be delivered by private marks known to father Ewers. 3. That the witness himself was so zealous in the cause, that he had given them four hundred pounds for carrying on the design, which Gavan had made him believe was not only lawful, but meritorious; and that he was to be sent up to London by Harcourt, there to be instructed about killing the king. 4. That the same Harcourt did write word to father Ewers of sir Edmundbury Godfrey's

being dispatched that very night it was done; so that they knew of it in Staffordshire several days before it was known in London; and to confirm this testimony, he produced Mr. Chetwin, a gentleman, who swore he did hear it reported as from Mr. Dugdale, and that he was not in town when the murderers of sir Edmundbury Godfrey were tried, or else he would then have witnessed the same. 5. Against Turner he swore, that he saw him with others at Ewers's chambers, where they consulted together to carry on this design of bringing in popery by killing the king.

At the commencement of Dugdale's evidence, he was encouraged by the lord chief justice Scroggs to proceed in the following words:—"Pray go on, sir, for you shall have a full scope, for you never were a witness in any of the trials before; and you may take your own way, and you shall be heard, you shall not be interrupted; for what you say is very considerable."—In the course of his deposition, Dugdale swore that he was well acquainted with Harcourt's hand-writing; Mr. Harcourt observed, "This gentleman does pretend to know my hand, and it is true, I have writ several letters for Mr. Ewers, and directed to him; but as to this time he speaks of I have left off writing for divers years. He pretends to know me, and yet this gentleman before the committee of commons in parliament, which was yesterday was five weeks, as well as he knew my hand, came and said I was a gentlemen he did not know. He came also to entrap me at the gate-house before those gentlemen of the committee of the house of commons; but because he said he knew my hand so very well, and testifies those expressions in the letter, I must say this, I never did write any such letter, nor did I ever in my life seem to approve of any man's death or murder. But the thing is this, he pretends to know my hand, and to prove it, the gentlemen desired me to write my own hand and my name, and he in the mean time did withdraw, and three of them did write their names, and afterwards they called him in again, and asked him which was Harcourt's hand, and he was not able to say which it was." To this strong and forcible observation against the credibility of the witness, the lord chief justice Scroggs replied—"You write more hands, as well as have more names, and can counterfeit your hands as well as change your names."

Prance, the third witness, had a small share in swearing, and only testified, that Harcourt one day paying him for an image of the Virgin Mary, told him there was a design of killing the king; and that Fenwick told him in Ireland's chamber, that there should be fifty thousand men in arms in readiness to settle their religion, and that they should be commanded by the lords Bellasis, Powis, and Arundel of Wardour. But Bedloe, says Echard, was to give the con-

clusive evidence, who first gave an account* why he did not come against Whitebread and Fenwick, when they were upon their trial, because he was finding out the corrupt practices of Mr. Reading; and then he positively swore, 1. That he had seen Whitebread and Fenwick at several consults about the plot; and that he had heard Whitebread, at Harcourt's chamber, tell Coleman the manner of the sending the four ruffians to Windsor to kill the king. 2. That he saw Harcourt take out of a cabinet about fourscore of a hundred pounds, to give it to a messenger, to be carried to the said ruffians, with a guinea to drink Mr. Coleman's health. 3. That Whitebread told him, that Pickering was to have a great number of masses, and Grove fifteen hundred pounds for killing the king. 4. That Harcourt employed him several times to carry their consults beyond the seas, and that in Harcourt's presence he received Coleman's thanks for his fidelity; and that Harcourt recommended him to the lord Arundel, who promised him great favour when the times were turned. Also that he saw Harcourt give Wakeman a bill to receive two thousand pounds in part of a greater sum; and heard sir George say, fifteen thousand pounds was but a small reward for the settling religion and preserving three kingdoms from ruin.

After Bedloe had given his deposition, the following questions were put to him:—*Whitbread*. I desire to ask him

* The following language, which Bedloe used in giving this account, most amply shews to what a pitch of insolent arrogance these abandoned men had arrived in detailing their evidence, from the gross and indecorous partiality of the whole bench, as well as the cowardly insolence of these cold-blooded wretches towards the unfortunate individuals who had been selected by them as victims to their inconsistent and diabolical perjuries.—Bedloe, in commencing his evidence on this trial, thought proper to address the court thus: "My lord, I do not question but Mr. Whitebread and Mr. Fenwick will object against my refusing to give in evidence against them at the former trial, but I think that there are some upon your honourable bench, that *can make my apology* for not giving in all my evidence against them then; for it was *not convenient*, because it would have stopped a design I was then upon, and could not get off from, that was about Mr. Reading, whom I was then treating with, for Mr. Whitebread and Mr. Fenwick, as well as the lords in the tower, and he told me that he would depend upon my confidence and justice as to the lords, according as I did deal with these men; if I brought them off, he would believe, and the lords in the tower would believe that I would bring them off too. So that I did make an apology then in the court, that I could not safely say all that I had to say at that time. Some of the justices I believe do remember it, and in that which I did give in against them, I did not say all nor half that I could have said." On this Mr. Whitebread asked him, "Did you say any thing of that at the last trial?" To which question Bedloe replied, "I will answer that matter to the court, but it is the measure they always take to entrap the witnesses; for now I am out of a country that will give me an indulgence and dispensation to speak exactly to a day or an hour, as their St. Omers witnesses have." The only observation which this insulting conduct drew from the bench was—L. C. J. "But what say you now to them?"

whether he was lieutenant in Flanders or no?—*Bedloe*. Yes, I was.—*Whitebread*. Of horse or foot?—*Bedloe*. Of foot.—*Whitebread*. Take notice, there is no such officer of foot in all Flanders.—*Bedloe*. I was then in the regiment of the prince of Friesland.—*Whitebread*.—There are no lieutenants in all the Flanders' companies, only captains and alfaras.—*Bedloe*. My lord, I had a commission, and I have a commission to be so, and I desire I may send for it.—*L. C. J.* It is no very material thing, as soon as it comes they shall see your commission.

Bedloe having advanced that he saw Harcourt give Wakeman the bill of exchange, Harcourt asked *Bedloe*, How was this bill drawn?—*Bedloe*. It was drawn upon a citizen, and left in your hands.—*Harcourt*. I desire he may name the citizen, and if he can, make it out; if he do, it will appear upon the merchant's books? To this question, however, *Bedloe*, after repeating his charge, said, that when Harcourt had given sir George Wakeman the bill, sir George opened it, and read it, but he (*Bedloe*) did not read the name that was to it. On which it was observed by *Fenwick*—My lord, it seems not sufficient proof, that he says he saw a bill of exchange, unless he says from whom, and to whom, that it may be proved by the books, or otherwise.

L. C. J.—You say well, Mr. *Fenwick*, if so be he had been the person concerned in the bill; that he were either one that drew it, or was to receive the money, then it were strange that he should not know the parties to it; but I must tell you, where he was not one nor the other, it was a collateral matter. Do people take notice of every particular bill of exchange, that they see, which they are neither to pay nor receive?

Fenwick.—But what reason does he give your lordship or the jury to believe that there was such a bill, unless he does produce either the bill or the person that paid it?

Bedloe.—I did only see the bill out of Mr. Harcourt's hand, but it was read there only by sir George Wakeman.

L. C. J.—It is a pin matter whether there was such a bill or no, or whether he had mentioned it or no?

Fenwick.—But seeing he hath mentioned it, I say there is nothing of proof of it, but only his bare word.

L. C. J.—Yes, there is his oath.

Sir C. Levins.—And I desire the jury to take notice *how unreasonable a thing it is that you ask*. You would have Mr. *Bedloe* produce the bill of exchange that was given to sir George Wakeman to receive money.

The next evidence produced against the prisoners was the following letter from father Petre, found among Harcourt's papers, which was brought forward to fortify the testimony of Oates, and gave rise to the subsequent dialogue between

the judges and prisoners, in which the partiality and prejudices of the bench against the jesuits are most conspicuously displayed, and all the energies of those who ought to have protected the unfortunate men they were appointed to try, were exerted to render them guilty in the eyes of the jury. Mr. Harcourt having acknowledged the letter, it was then read *in hæc verbæ* :—

“Honoured dear sir,—I have but time to convey these following particulars to you. First, I am to give you notice, that it hath seemed fitting to our master consult, Prov. &c. to fix the 21st of April next *stilo veteri*, for the meeting at London of our congregation; on which day all those that have a suffrage, are to be present there, that they may be ready to give a beginning to the same on the 24th, which is the next day after St. George’s day: you are warned to have *jus suffragii*, and therefore if your occasions should not permit you to be present, you are to signify as much, to the end, others, in their ranks, be ordered to supply your absence. Every one is minded also, not to hasten to London long before the time appointed, nor to appear much about the town till the meeting be over, lest occasion should be given to suspect the design. Finally, secrecy, as to the time and place, is much recommended to all those who receive summons, as it will appear of its own nature necessary.

“*Tertio pro Domino Solono Disco.
Benefact. Prov. Luniensis.*”

“I am straightened for time, that I can only assure you, I shall be much glad of obliging you any ways, sir;

Your servant, EDWARD PETRE.”

L. C. J.—Come now, Mr. Harcourt, will you expound this letter to me that speaks of this meeting and privacy?

Harcourt.—Yes, my lord, though it was not my letter, yet I will tell you what the meaning of it was: that letter was written to one, who had *jus suffragii*, a right to come and vote in our congregation, which, according to the constitution and orders of our society, is within the compass of three years, where they meet about the particular affairs of the society.

L. C. J.—What was it about?

Harcourt. It was about choosing an officer, choosing a procurator to send to Rome; that was the chief point, and secrecy was a thing that was recommended to every one, as it was fit it should be, we living in a country where every one’s eye was upon us, and we were an eye-sore to them, we ought to be cautious of meeting in such numbers as might give an offence, and this was the only thing indeed.

L. C. J.—Look you, Mr. Harcourt, you say well, but we are not to be altogether disciples of yours, so as to have no sense of our own, and to be imposed upon so weakly as this. Here

is the thing, says the letter, I would not have you come too soon to London, nor appear too much in public, for fear of discovering a design, which requires secrecy in its own nature. What, was that your design of choosing a procurator? Tell me but one thing that can bear the name of a design, which must have that secrecy in it, that people must not appear much about town, and that in its own nature requires such a thing.

Whitebread.—My lord, the thing itself is evident what was the design.

L. C. J.—Come, Mr. Whitebread, you will do it better.

Whitebread.—It is evident it was a design to choose an officer.

L. C. J.—Why, good Mr. Whitebread, do any write after that manner? Were you to write to any one, or ask the jury, if they were to choose some collector for the receipt of some charitable money that should be employed for the relief of protestants in France: Do you think any man would say, do not appear much in London before hand, nor come too soon, for fear of discovering the design, which, in its own nature, requires secrecy: will this indure the name of a design?

Whitebread.—First, it is a very hard thing to bring so many men's lives in danger, merely upon the interpretation of a word, which may as properly signify one thing as another. Is it not proper for me to say I have a design to dine with such a man to-morrow, or the like?

L. C. J.—'Tis true now, but hearken——

Whitebread.—But that was the thing designed, to have a congregation for the choosing of an officer, and it was, I think, very properly said, and that it should be kept secret was as prudential a thing as possibly could be. Was it not proper here, because our profession was not publicly permitted in this kingdom; and therefore that was the reason why secrecy was enjoined? And this upon my salvation was all that ever was intended or thought.

L. C. J. North.—This now is the interpretation you put upon the letter, but we understand by the witnesses what was done at that meeting.

L. C. J.—Look you, Mr. Whitebread, this letter without question, hath been well studied by you all; and it requires it mightily.—*Whitebread.*—It needs none.

L. C. J.—This is not the natural exposition of the words of the letter that you give, but a forced one; for first, there is a difference between saying I do design to dine to day, though it be a usual matter, but it is another thing, when I call a thing by the name of a design, accompanied with a requiring of secrecy in its own nature, and when I give advice that they must not appear in town too soon, nor too much about the town, for fear of discovering the design,

which in its own nature requires secrecy: Must all this amount but to the choosing of an officer? You will never make one papist of all this company, if you make no better work of it.

Whitebread.—My lord, I humbly desire your lordship would not strain a word which may be well enough said, whether it be properly said or no.

L. C. J.—"Tis not one word alone, but 'tis the whole sense.

Whitebread.—"Tis evident there was just cause of secrecy, because of our profession.

L. C. J.—Mr. Whitbread, it is not one word that is relied upon, for the business is pursued. 'Tis not said, pray meet at such a time, but be careful you do not discover the design; if it had been only said so, it would have been a strain to have made this construction of a single word, to make this that design, but as it is here we make no construction; it had been hard indeed to put that meaning upon it as you do even then, for it is seldom so used, for no man writes after that manner; but when it follows in a continued sense of so many lines, be sure you meet on the 24th of April, the day after St. George's day, but come not too soon to town, nor appear too much about the town, for fear of discovering the design, which you know in its own nature does require secrecy: Can we make any such interpretation of it? If you have no better arguments than these, you must have people lose their understandings, or have a very blind obedience to yours, or it will never down. Aye, come Mr. Gavan, how do you say is the meaning of this?

Gavan.—For my part I'll assure your lordship I was not there, but this is known to all the christian world, that there is such a meeting in Spain, France, Germany, &c. that wherever the jesuits are, once in three years they have a meeting among themselves for the settling of their affairs. Indeed the words have given your lordship an occasion to raise a difficulty what the word design should mean, which I do give this answer to. Your lordship's difficulty is, that the word design here should not be made use off, to send one poor jesuit to Rome. My lord, do but mark the end of the congregation, and you will say to us, that we might well use that word, because the word may import some great business of concernment; now what business of greater concernment for poor religious men to meet together about, than those things that may promote their better state in an another world, and the regulation of what is amiss in their order. My lord, upon my conscience and salvation, this was the end of the congregation; to meet and see what is amiss in their order, who do their duties, and who not, who are irregular in their offices, and whose office is vacant and to be supplied.

L. C. J.—But must nobody come to town, nor appear too much about the town for this?

Gavan.—Therefore, my lord, as to the word [design], it concerning the whole spiritual good of the whole body of the English jesuits, it might well be used for the consultation of that body, about all their good, temporal and spiritual, which was all concerned in it.

L. C. J.—These are many words, but to no purpose.

Gavan.—Now, my lord, for the second thing that you object, your lordship remembers very well, that the continuation of the sense in so many lines made the thing the more suspicious, that more was intended by it than so: Now to this I shall be able to answer, if there can be given a particular reason why we should add that word of secrecy to the other of design, having answered to the one part, we now give an answer to the other, and so to the whole. Now, my lord, because of the time, the parliament was then sitting, and that we might not offend the king and all civil magistrates (whom we honour from our hearts and souls) that word was used that it might be kept secret.

L. C. J.—It was not out of love to the parliament, it was the nature of the thing required it, nor was it out of any fear you had of them. I did never find, though you are as good at it as ever any I met with (for I never met with a priest that had much more understanding), but really you do not answer me. You are so far from scholars, and arguing like such, that you do not maintain the matter with common and rational understanding, but only heap up so many vain words (like a rope of sand put together) which hath no natural coherence, for you cannot possibly make this reasonable, that people should have so much caution, that they should not come too long to town before hand.

Gavan.—Not to be taken notice of.

L. C. J.—Not to appear in town when they come.

Gavan.—Not to be taken notice of.

L. C. J.—I say so, you cannot tell why all these cautions should be used merely for choosing an officer.

Gavan.—My lord, our lives depended upon it, if we were taken, being such men as we are.

L. C. J.—You can make nothing of it, and you will find it a hard task to answer it; for if half the evidence that hath been given were not given, yet this letter of your own, which cannot be denied, is an unanswerable proof. It does monstrously confirm Mr. Oates's testimony to be undeniable as to the meeting at the consult; for he, four or five days before hand, comes and tells the council, the very day which five or six days after this letter makes good, which is found in Harcourt's custody. Then there was a consultation

upon the day, the very day that Mr. Oates says, and what he calls a consultation, your own letter says is a design.

Gavan.—It was a design of a congregation.

L. C. J.—What sense is there in that, will any man in England, or did any man in England ever say, take heed of discovering our design of going to church or choosing a collector?

Gavan.—There is reason for the one and reason for the other too.

L. C. J.—I would appeal to yourselves and all here present, what the natural import of such a letter is, whether it does not carry a matter more than ordinary, whether its natural intendment doth not look at that? And the next thing is this; does any man write plainer than this, when they write of a thing that is of such a nature? Is not the danger too great to hazard that fact, which they call the nature of the thing, to intrust it in a letter? Is it not vain to put that in a letter in words at length, which they, to whom it is writ, know what the thing means? And if it should be further known than they would have it, the thing could never be done? And if you consider the person that writes, a jesuit or a priest, are priests ever plain? And will you expect plainness here, when, in things of ten thousand times less moment, they don't write plainer? Is it not known, you have not a proselyte, that you do not keep under obligations as close as your confessions are? Have you not taken here as it is sworn, a sacrament of secrecy? Is there a woman that you convert but in the dark? Or a papist made out of a priest's hole? Are not all your deeds under-ground? and do you work with any light, but that of a dark lanthorn? This is plain, unless you give a better answer to this letter, the letter will hang about your necks.

L. C. J. North.—Mr. Oates will tell you what the design was.

Mr. J. Ellis.—He can tell you what it was.

L. C. J.—The letter speaks itself.

Oates.—Mr. Gavan and they, now tell your lordship what this consult was for, but they denied this consult at first, when there was but one man to justify it. I justified it before Mr. Fenwick, who denied it at the council-board, though now they pawn their salvation upon the justification of it.

Fenwick.—I never denied that there.

L. C. J.—Come, have they any thing to say for themselves?

Bedloe.—My lord, whereas, as Mr. Gavan says, that in obedience to the king and parliament they would have their consultations secret, and that they always desired to conceal

themselves then; the time of sessions of parliament was the only time that I and others have been employed to fetch over more jesuits than at any other particular time.

Oates.—And there are more of them then in the court of requests, and in the lobbies, barefaced, and threatening the protestants; then at any other time.

Bedloe.—We used to fetch them against the parliament always; they were in less danger then than at other times.

L. C. J.—You could give a very good interpretation of the letter, I suppose, that Mr. Dugdale speaks of, that came from Whitebread, that he should be sure to entertain such as were hardy, stout fellows: I suppose you can make all this to signify nothing more than a design for a game at cudgels.

Sir C. Levins.—If your lordship please, we must desire that one letter more may be read. Your lordship hath been told of commissions for the raising of an army, here is a touch of them mentioned in this letter, found amongst Mr. Harcourt's letters too.

L. C. J.—Look you, Mr. Harcourt, you had best attend, here is another letter found amongst your papers, concerning some commissions. You look ill to your letters; you are to blame indeed, Mr. Harcourt.

Sir C. Levins.—Pray, Sir Thomas Doleman, look upon that paper, and tell us how you came by it.

Sir T. Doleman.—This letter in my hand I found amongst Mr. Harcourt's papers. about some two days after I found that other that was read before. Having heard Mr. Oates give in his information to the counsel, that there were several commissions given out to several persons, and finding some doubtful clauses and expressions in the letter, I did present this letter to the counsel, and made a mark upon it: enquire what is meant by the word patents.

L. C. J.—Pray let it be read, because we shall desire a little more of their interpretation.—*Cl. of Cr.*—It is signed Christopher Anderton, Hilton, Feb. the 5th 1677-8.

Oates.—Hilton, that is, Rome.

L. C. J.—Mr. Harcourt, you understand, that by Hilton is meant Rome?—*Harcourt.*—Yes, my lord, I do.

L. C. J.—Well, then go on, and read it.

Cl. of Cr.—Worthy sir, I know not from whence it proceeds, but I perceive that both your letters and mine have had fortune by the way; for my correspondents with you complain, they hear not from me, whereas I write constantly intire packets; and since the bills I received from yourself for sir William Goring, and for Mr. Ireland, from Mr. Shelly, I have not had one letter but what I received this week, which, in part made recompence for the former, for it brought me three of yours, and one of Mr. Ireland's, for which I render you many humble thanks, and acknowledge

the fifteen pounds from my lord Castlemain, though Mr. Ireland made no mention of it in his. We are all here very glad of the promotion of Mr. Thomas Harcourt. When I write that the patents were sent, although I guess for whom they were, yet I knew not for certain, because our patrons do not use to discover things or resolutions till they know they have effect. And therefore in these kind of matters I dare not be too hasty, lest some might say, a fool's bolt is soon shot.

L. C. J.—What is the meaning of these patents?—*Fenwick*.—This gentleman will tell you, my lord.—*Whitebread*.—My lord, they were patent for my being the provincial.

L. C. J.—How many patents had you?—

Whitebread.—But one, my lord.

L. C. J.—Is that patents?

Whitebread.—*Literæ Patentes*.

L. C. J.—Is it patent or patents?

Cl. or Cr.—Patents.

L. C. J.—Read those words again.

Cl. of Cr.—“We are all here very glad at the promotion of Mr. Thomas Harcourt. When I write that the patents were sent, although I guess for whom they were, yet I know not for certain, because our patrons do not use to discover things or resolutions till they know they have effect.”

L. C. J.—Now you have not interpreted well this neither.

Sir C. Levins.—It is said, “I knew not for certain who (they) were for;” but to make it clear, I would desire Mr. Whitebread to answer me one question, how long is it, sir, since you were made provincial.

Whitebread.—The 14th of January was twelve-month.

Sir C. Levins.—And this was dated the 5th of February, which was after your commission.

Whitebread.—That may be, and they not know till then.

L. C. J.—And so you expound those latter words of the letter, that the resolution of making you provincial was not discovered till the effect was known.

Whitebread.—Because it is not known, whether the person that is nominated might not be excepted against: and it is *Literæ Patentes*.

L. C. J.—But here is but one person to answer the word patents, and there should be more than one man.

Whitebread.—Every patent is called *Literæ Patentes*, though it be but for one person.

Mr. Recorder.—They were in great doubt that you would refuse the place, I warrant.

Oates.—He is bound on pain of damnation not to disobey his superiors, if they chuse him to a place, he must take it upon him.

Whitebread.—It is not the first, second, or hundredth time that one hath been appointed by the superior to a place

and hath refused it; and if I had known the hundredth part of what I do now, of the trouble of the place, I would never have accepted it.

Mr. Recorder.—Ay, if you had known the difficulty of this design you would never have engaged in it, especially if you had known what is come to pass.

Whitebread.—No, sir, I never had a hand in any such thing in all my life: this is *coram Deo* that I now speak, and as I am to appear before the great tribunal at the day of judgment, I know nothing of all this matter.

Oates.—My lord, these patents, of which this letter makes mention, a great many of them came down in the months of April and May before.

L. C. J.—Methinks he interprets them plainer than you do.

L. C. Baron.—Now what have you to say every one of you for yourselves, make your defence?

L. C. J.—Mr. Whitebread, do you begin.

Oates.—While the prisoners' evidence is calling in, I desire that my witnesses may be sworn.

Mr. J. Pemberton.—Mr. Oates, be quiet, there is no need of it yet till they have made their defence.

L. C. J.—But send for them, that they may be ready.

Whitebread.—My lord, that which I have to say for myself is this; I thank God, my lord, I am not afraid of death; but I should be very loth to die unjustly; and I hope your lordship will consider, that as every man's blood is dear to him, and is concerned for his own life to preserve it, he ought to be allowed liberty and freedom to preserve himself as much as he can. Life is a thing not to be thrown away, but charitably to be looked after; and that there is such a thing as taking away men's lives by perjury, as well as by a knife or pistol, is without contradiction. Now whoever comes against a man for his life, I suppose he is to be looked upon not only by the prisoner, but also by the jury and the court, that he ought to be *probus testis*, and a man fit to be admitted to be a witness. Now I have something to offer, that Mr. Oates is not any such person. Your lordship was pleased to say, that he was the person who proved the design mentioned in the letter that was read. Now I hope your lordship will give me leave (and I hope I may do it without offence to this court) to say that he is perjured in what he says.

L. C. J.—You mean that his evidence is false; you may do it if you can.

Whitebread.—He says he came over hither, and was here present the 24th of April with me, and that I did appoint him to do such and such things, and discovered the whole business to him. Now I desire your lordship would be pleased to consider whether this were probable, and whether

I had not been a very much mistaken man all this while to trust a man with such a business, and whether I ought not rather to be sent to Bedlam than Newgate for trusting such a man as he, whom by his own confession I never saw till that time. It is not rational that a man would trust him; and then, my lord, that this business should be discovered to him, a man that depended wholly upon us to live, and had no livelihood but what he had from us, who maintained him at St. Omers long as well as the best man in the house.

L. C. J.—Did you do it?

Whitebread.—Yes, my lord, I did.

L. C. J.—You should consider how in that you answer yourself.

Whitebread.—I, that is, when I came to the office, and I and my predecessors. When I was superior I found him not a fit man for that purpose and design he pretended to. He was very zealous to be entertained amongst us, and therefore I desired him to absent himself.

L. C. J.—Why was he not fit to be employed among you?

Whitebread.—For several reasons of our own: first of all, it was doubtful whether he was a good catholic; for he had oftentimes maintained several propositions that were not soundly catholic; and then, secondly, he led a very idle life, and he was not found a man we were obliged to accept of, and therefore we desired him to retire. And to that purpose we furnished him, gave him a good suit of clothes, and a perriwig, and four pounds in his purse, and he promised to pay me again when he had sold his library, which he said he had a very good one in London, but he never did. But that I should be so strangely overseen and mad, as at the first sight of such a man as this, to trust him with such a great intrigue as this was, and to write in such a plain strange manner, and send by post to Mr. Dugdale, as your lordship did and justly might wonder at, had been a madness. It was much that any man would write so plain of such a thing. But then my lord, the chief thing is this, that I hope your lordship will give us leave to produce our witness to prove that he was not from St. Omers from the 10th of December till the 23d of June following, and never lay out of the house but one night from December till June.

L. C. J.—Name your witnesses.

Whitebread.—I desire first Mr. Hilsly may be called.

L. C. J.—Call him; but I'll tell you what is strange, you say it is wonderful that you should trust a man you had so little opinion of his abilities or fidelity, but I wonder that you should maintain him after that.

Whitebread.—No, my lord, we did not.

L. C. J.—You say you did.

Whitebread.—No, my lord; he pretends he was here in England sent over by us, but we will prove he was not.

L. C. J.—But you maintained him abroad?

Whitebread.—That was before.

L. C. J.—Is it so great a wonder that you should take into your confidence and consultation that man, whom for a considerable time before you had maintained abroad?

Whitebread.—But, my lord, I suppose there is some difference between charitable acts to a man in want and a scholar, and trusting him with such an intrigue as this.

Fenwick.—Pray, my lord, be pleased to take notice, that this man's evidence all along is, that he saw such and such letters from such and such persons. They have no evidence but just that they saw such and such letters, and how is it possible that a man who was turned away from St. Omers for his misdemeanours, that I should shew him all my letters? Now, my lord, I have had a thousand letters taken from me, not any of these letters had any thing of treason in them, or soliciting of persons to come into England; let the letters be produced, and then your lordship will see what is in them. All the evidence that is given comes but to this, there is but saying and swearing. I defy them all to give one probable reason to satisfy any reasonable uninterested man's judgment how this could be.

L. C. Baron.—There can be no reason given why you should sign an instrument to kill the king.

L. C. J.—You say there is nothing but saying and swearing, but you do not consider what you say in that matter. All the evidence and all the testimony in all trials is by swearing. A man comes and swears that he saw such a bond sealed, or heard such words spoken, this is saying and swearing; but it is that proof that we go by, and by which all men's lives and fortunes are to be determined. But then, say you, 'tis wonderful, that since they say they saw such and such letters, they should not produce them; why, they did not belong to them. Ay, but then say you, 'tis strange they should not find one letter in all those numerous papers that were taken that contains any traiterous matter; but I say, it is forty times more a wonder that one should be taken, than for all the rest to be undiscovered. I suppose Mr. Harcourt amongst those papers that he let be surprized did not think that letter that hath been read to have been of such consequence, nor the sense of it to be so bad.

Fenwick.—I dreamt no more of my apprehension when I was taken than the day of my death, it was so unexpected, nor what I should be accused of: I had no fear of it, no thought of it, so that I took nothing out of the way. They took five or six thousand pound bonds and bills, besides letters: methinks something of the effects of those letters

might be produced, and some of the design appear. For God's sake, where are the commissions signed, and monies paid?

L. C. J.—They talk of a patent. Mr. Whitebread construes it, that it is his commission; if so, does it lie in Oates or Bedloe's power to shew that commission? (this is just like that of the bill of exchange) neither does it in any of the letters.

Fenwick.—Here is Mr. Hilsly, my lord.

Whitebread.—My lord, we pray we may have the favour that they may be sworn.

L. C. J. North.—By law they cannot.

L. C. J.—In no capital case against the king can the witnesses for the prisoner be sworn; but I will say this to the jury, that they are not sworn, is because they cannot; but the jury is to take great heed of what they say, and to be governed by it, according to the credibility of the person and of the matter.

Gavan.—My lord, if you please to give me leave, my lord Coke in his Institutes says expressly, that there is no positive law against it; his words are, there is not so much as *scintilla juris* against it.

L. C. J. North.—We know that the constant usage and practice is so, and you cannot produce any man that in any capital case had his witnesses sworn against the king.

L. C. J.—My lord Coke says otherwise, that the evidence should be so plain that nothing could be answered to it; and therefore no evidence should be sworn against the king.

Gavan.—My lord, those are the words of my lord Coke.

L. C. J.—You argue against the known practice of all ages.

L. C. J. North.—There never was any man in a capital cause sworn against the king. The common law is the custom of the kingdom, and we are bound to know it, and must be all governed by it.

Whitebread.—In Mr. Ireland's trial, p. 35, 36, he says he came over with sir John Warner, father Williams, and Mr. Hilsly, from St. Omers.

Mr. J. Pemberton.—Nay, you must not resort to the printed trials for evidence.

Fenwick.—If we can prove him perjured at any time, I hope we may.

L. C. J.—Suppose upon the taking of those printed trials they mistake, shall Mr. Oates therefore be thought guilty of perjury? If you have any thing to ask of your witnesses which you can apply to the evidence given now, you may.

Fenwick.—Mr. Oates, did not you yourself own you then came over with Mr. Hilsly?

Oates.—Ask me any question about what I have given to day, and if the bench think it reasonable I will answer it.

Fenwick.—My lord, he did then affirm that he came over with these persons, in which he is forsworn.

L. C. J.—He is not convicted of perjury, and therefore that must not be urged.

Fenwick.—My lord, we will prove by witnesses that were at the trial, that he did affirm so. And I do desire now to know of you, Mr. Oates, whether ever you came over with Mr. Hilsly?

Oates.—That which I said then, and that which I say now, is, (because you should not puzzle yourselves) that one Mr. Hilsly did come over with us when we did.

Hilsly.—My lord, I did not.

L. C. J.—How can you tell?

Hilsly.—I left him at St. Omers.

L. C. J.—What say you, Mr. Oates?

Oates.—'Tis true, Mr. Hilsly did leave me at St. Omers, because he went out on Sunday morning, and I came out of the Monday morning; but I overtook him at Calais.

Hilsly.—My lord, that is false, and I have a great many here that can prove it.

L. C. J.—What religion are you of?

Hilsly.—I am only to serve his majesty.

L. C. J.—Are you not to serve God too?

Hilsly.—I am first to serve God, and then his majesty.

Mr. J. Pemberton.—Are you a catholic?

L. C. J.—Are you a roman catholic.

Hilsly.—Yes, my lord, I am.

Mr. J. Pemberton.—Be not ashamed of your religion, do not deny that; your provincial here can give you a dispensation for what you say.

Hilsly.—I hope a roman catholic may be a lawful witness?

L. C. J.—Yes, I deny it not. This is that you say, you left him at St. Omers; you must call more witnesses to back him. Master Oates says 'tis true you left him at St. Omers, but he overtook you at Calais.

Oates.—This gentleman lost his money at Calais, and father Williams did relieve him by my means.

L. C. J.—What say you to that?

Hilsly.—Why, my lord, yes, it is true I did lose my money there, but it is nothing to the purpose, for I will affirm I was never in the ship with him in all my life.

Oates.—I desire he may be asked, whether he be in the degree of a priest or not?

L. C. J.—That would be a hard question to put to him to make him accuse himself: it would bring him into danger of treason.

Mr. J. Pemberton.—He is a boy very fit to make a jesuit of.

L. C. J.—How could he then come to know this?

Hilsly.—I confess 'tis true, that Mr. Oates did never come over with me: and I have witnesses to prove that they saw him there next day at St. Omers, and two or three several weeks after.

Sir C. Levins.—Mr. Oates hath another circumstance to prove it by.

Oates.—He went away from us by the way, and did not come up with us to London.

Hilsly.—I know how he understood this: there was a gentleman that the witnesses will prove he was very familiar with the 2d of May, that told him.

L. C. J.—Is that gentleman here?

Hilsly.—Here is one to prove it.

L. C. J.—And did he tell him how you lost your money?

Hilsly.—Yes, my lord, I suppose so.

Besides Mr. Hilsly, ten other witnesses were called to prove that Oates was at St. Omers at the period when he said he was at the consult in London; and five persons proved that sir John Warner did not leave Flanders at the time when Oates said he came over with him to England. These witnesses were all subjected to the most grossly indecent and partial cross-examinations by the bench, but were precise in their depositions, from a singular circumstance, which was, that Oates, in consequence of his age when he entered the college, had a privilege of sitting in a particular place by himself, and was therefore more conspicuous than the rest of the scholars, and, of course, his absence must have been observed had he left the college, as he pretended, for six days, to be present at the consult in London.—These witnesses were all asked if they were roman catholics; and one of them, Mr. Gifford, in answer to a question from the lord chief justice, as to how long he saw Oates at St. Omers after Mr. Hilsly's departure, replying "I can swear that I saw him at least till June, if I can believe my own eyes;" Scroggs observed, "Your religion does not allow you to believe your own eyes."—Mr. Gavan also called several witnesses to prove that he was in Staffordshire at the time Oates said he was in London. One of these, Mary Poole, servant to Mrs. Winford, of Wolverhampton, who was also examined in behalf of that gentleman, having stated positively that he was at her mistresses house in April, June, and July, and that she believed he was there also in May; the lord chief justice said to her,—You answer readily as to June and July, why did you stick at the month of May, more than the other months? For you know, when I asked you where he

was in April, then you said he was at home; why do you doubt whether he was there in May or no? Pray tell us why it is not as certain to you that he was not there in May, as that he was there in June; why do you doubt more of it?

Poole.—I do not doubt but that he was there.

L. C. J.—But why did you not answer then as readily to the one as to the other.

Poole.—My lord, any one may mistake.

L. C. J.—This you were not prepared for, and it was a question you did not come ready to answer: are you a roman catholic?

Poole.—Yes, my lord. [*Here the people laughed.*]

L. C. J.—Look you, you must know there is no other use to be made of it, but only to shew, that protestants are so averse to popery in England, that they will not endure a roman catholic in England. But they are good evidence, and competent witnesses, I must tell you that, and no man must deny it; for though you deny heaven to us, yet we will not deny heaven to you, nor witnesses; though you say heretics will be damned, yet we hope they will never, while they do not follow your practices. [*At which the people gave a great shout.*]

L. C. J.—You must pardon the people's shouting; for you have turned their hearts so, that there is no living for a papist in England, I will maintain it. [*And then the people shouted again.*] You shall have all the justice that can be, and all the favour the law will allow.

Gavan.—If there be but a place for us in heaven, I am contented.

Mrs. Winford was then examined as to the time Mr. Gavan left her house, and whether he could not possibly be absent, and go to London without her knowledge. To which she replying she was confident he did not, because he was not absent long enough. The witness being questioned several times as to this point, Mr. Gavan said,—Pray, my lord, let me speak; as I live, an innocent man will be lost else. He says expressly I was in town in July, and gives this argument for it, that Mr. Ashby was in town, and he met me with him.

L. C. J.—No, no, Mr. Oates was not so positive; he says it was either in June or July, but he rather thinks it was July. But mistress, might not he in the beginning of July be absent so long as a man might go to London and return again, in the first three weeks of July I mean?

Winford.—My lord, I cannot charge my memory, because I did not know what I should be asked, and so could not recollect myself. I only say I am confident of it, because he always told me when he went such a journey, that I might make provision of linen to fit him for it.

L. C. J.—Your reasons are weak, because he used to tell you that you might get him linen: men upon extraordinary occasions do extraordinary things; so that you are not to govern yourself by what he used to do in his acquainting you, or you in providing his linen. This was no ordinary errand, and therefore I don't ask you whether he had linen from you or no; but you are only to charge yourself with remembering whether he could not be absent long enough out of your sight to have been such a journey.

Gavan.—Pray, my lord, give me fair play. He does charge it expressly, and is precise to a day. He saith I was here in July, after that Ashby was come to town, and before that he went out of town; and he says that Ashby came to town in the middle of July, and went out of town about the latter end of July or beginning of August. Now, my lord, I say this, he saying that Ashby came to town the middle of July, and staid there a fortnight, and then went to the bath, and that I came to town while that he was there; if I prove that I was in Staffordshire from the 15th or 16th of July to the end of the month, then I shall clear myself evidently; for he does in effect charge me to be here some time in that fortnight's time, and I prove that all the latter part of July I was in the country.

L. C. J.—He does not charge it to a day, but he says it was about a fortnight.

Oates.—Mr. Ashby came to town in the beginning or middle of July; I rather think it was the middle, but I dare not upon my oath be positive as to the time; and in that time that Mr. Ashby staid in town, Mr. Gavan came to London: for I remember he said he would go and see father Ashby, who was then at Wildhouse.

L. C. J.—Prove where you were now all July. Call your witnesses.

Gavan.—I prove that I was at Wolverhampton from the 23d to the end of the month.

L. C. J.—Call your witnesses to prove where you were the beginning, that can speak expressly to it.

Gavan.—My lord, I have them not here.

L. C. J.—Why then would you make us lose all this time?

Gavan.—My lord, I will tell you; hear the words of an ingenuous man: being as I was innocent, not knowing what they intended to charge me with, I in my mind run over all that I could imagine I had at any time done that they could lay hold on. If I had been guilty of any thing, my own conscience would have told me of it, and I should have provided to have given some answer to it; but being innocent, I was to ransack my memory to sum up all the passages of my life, where I had been, what I had said, what I had done, that would give them any occasion of accusing me.

And because I did imagine they might think I was here the 24th of April, I brought witnesses for that; and because I did imagine that they might speak of some consults in April, I sent up for such witnesses, at my own charge, as could testify where I was then.

L. C. J.—But you have not *one protestant* that testifies for you.

Gavan.—And now, my lord, I humbly cast myself upon the honour and justice of this honourable and just court; to which I submit myself with all my heart and soul, having used all the remedies I can. I have cleared myself as to the main day, the 24th of April, whereon all the pretended plot lies: And I'll bring witnesses that shall swear I was not in London in August; and if my eternal salvation lay upon it, I could aver I was not in London: and I wish I may be made an example of justice before all the world (in the sight of God I speak it) if I be not the most innocent person in the world.

Mr. Gaven here offered to undergo the ordeal or fiery trial over red-hot ploughshares as a test of his innocence, but this was not allowed him by the court.

Four other witnesses were then examined, who all testified that he was in Staffordshire in the latter part of July.—Mr. Whitebread was now called upon by the lord chief justice, to know if he had any witnesses.

Whitebread.—My lord, I have only this, and I desire to be heard in this point, to prove that Mr. Oates was mistaken in his evidence that he gave at the last trial against Mr. Ireland.

L. C. J.—Look you, I must break in upon you; you have been told so often, all of you have been told it, and yet you are upon the former trials again. You are now upon your trial for your life, if you could have disproved any thing that he said at a former trial, you should have taken a legal way, and convicted him of perjury; but now to charge him with a printed paper is not fair. You must speak to what he says now.

Whitebread.—He says the same now. But all that I say is this, if he be not honest, he can be witness in no case. I suppose if any one can prove him not *probus testis*, his testimony is not to be received in any case.

L. C. J.—But how will you prove that? Come on, I'll teach you a little logic: If you will come to contradict a witness, you ought to do it in a matter which is the present debate here; for if you would convict him of any thing that he said in Ireland's trial, we must try Ireland's cause over again. But if you will say any thing against what he says now—do.

Whitebread.—That which I would allege is this, If he be

convicted of perjury in one case, he is not to be believed in another.

L. C. J.—You say right, if he be convicted.

Whitebread.—He is not only then an incompetent witness, for he cannot be said to be *probus testis*, but he is *improbus*. Now this is that I can prove.

Mr. J. Pemberton.—Nay, you must shew it by a record.

L. C. J.—You cannot have so little understanding, you that have been, and were to be so great a man among them, had been provincial, and was to have been somewhat else. I have told you already, that to prove him to be a man that hath no faith in him he must be convicted. You must have indicted him, and convicted him, of the thing wherein he did commit perjury, and then he had been prepared to justify himself. But shall you come now, and at this your trial, and prove what he said at Staley's trial, and Coleman's trial, and Ireland's trial? And must we examine what matters have received a verdict and a judgment there? for consider what will be the consequence of it; if it should be false, you there arraign a verdict. You should have convicted him of the falsehood first.

Whitebread.—I desire the jury to take notice, that he does not stick to the testimony that he gave then, for if he does it was false.

L. C. J.—They must not take notice of any thing that was done at a former trial, unless it be spoken of now.

L. C. J. North.—Do not call any witnesses to prove what he said then, but to disprove what he hath said now.

L. C. J.—'Tis a pretty hard matter to make a priest understand one, for what I see. If the witness shall not gain credit with the jury that he came over with sir Thomas Preston, sir John Warner, &c.; if they are satisfied by those many witnesses, ten or twelve at least, that it is false, they ought not to believe him; but as to that testimony they ought to believe your witnesses; but he is not presently guilty of perjury: for if they should not give credit to Mr. Oates, you must indict him, and another jury must pass upon him before he is convicted: for it is one thing to be forsworn and perjured, and another thing to be proved so; and he is not proved to be so, but by a record for that purpose.

Harcourt.—If so be, our witnesses cannot be looked upon as good witnesses, then there can be no commerce abroad in any other country.

L. C. J.—They are no doubt good witnesses till they be proved otherwise, and they are left to the jury to believe as they think fit.

Harcourt.—Now, here are divers things that are brought against myself by Mr. Bedloe, Mr. Prance, Mr. Oates, and Mr. Dugdale; if the witnesses that I bring, because they

are roman catholics, are not good witnesses, then I am in a hard case.

L. C. J. North.—Look then, you mistake the thing; those that are not witnesses, we don't hear at all; but our hearing them at all, proves that we look upon them as good witnesses. But when a man is a witness, he is either of more credit or of less credit, according to circumstances; and 'tis a proper question to ask them, whether they are roman catholics: but they are witnesses without all question.

Harcourt.—I say, my lord, these persons are known to be every one of them very bad and flagitious persons, and that every one of them have undertaken this course, merely to get a livelihood: they are men of desperate fortunes, they get a living by swearing fast, they find that the best trade.

L. C. J. North.—If you have any other witnesses, we will hear them. If you have no other witnesses, then we must hear what the king's counsel reply, and then it will be your turn to say what you can in your defence.

Gavan.—I have witnesses here. It is not indeed a positive evidence, but a negative evidence; and I have a brother and a sister in town, and upon my salvation I never came to town but I came to their house.

L. C. J.—That will signify nothing. Mr. Harcourt, have you any more witnesses? if you have them, pray call them.

Harcourt.—'Tis in vain to call them, if they be not to be believed because they are roman catholics.

Sir C. Levins.—'Tis a mistake; we do not refuse any witnesses because they are roman catholics.

L. C. J.—No, we have not refused any one point yet.

L. C. J. North.—If you have any more, pray call them, and don't spend the time.

L. C. J.—Call a priest or two, if you will, we will hear them.

Harcourt.—Mr. Oates did accuse me of paying fourscore pounds at my chamber, and he did say afterwards it was at Wildhouse. I have persons to justify what was done at my own chamber; and he says, Mr. Ireland was by: now here are witnesses to prove that Mr. Ireland was in Staffordshire all the month of August, therefore he could not be present.

L. C. J.—Does he say any such thing now?

Mr. J. Pemberton.—That was urged before; pray do not insist upon that, it hath received a trial.

L. C. J.—I'll tell you what he says, and I'll ask him the question: Dr. Oates, it is supposed by your testimony, that Mr. Ireland and Mr. Harcourt were together when this fourscore pounds was paid for the villians that went to Windsor to murder the king?

Oates.—I never said such a word.

Harcourt.—Here it is in the trial.

L. C. J.—I stand not by the printed trial, it is no record in law. In short, were Mr. Ireland and Mr. Harcourt together at that time?

Oates.—No they were not.

Gavan.—He did then say, that he did receive of Mr. Ireland, the 2d of September, twenty shillings that he borrowed of him: now the 2d of September he was at Boscobel.

Oates.—My lord, I was not positive as to the day; but as near as I remember (those were the words I said,) it was the 2d of September; but whether it was the first, second, seventh, eighth, or ninth, I would not be positive in it.

Then the prisoners called sir John and lady Southcott, Mrs. Harewell and her daughter, Mr. Pendrel and his wife, Mr. Gifford and his wife, Mr. Bedle and Mrs. Keiling, who all testified that father Ireland was in Staffordshire, at the time Oates said he was in London. And captain Hill was called to prove that Bedloe, at the time he said he lived in repute was a prisoner in the Marshalsea, in so mean a condition, as to be compelled to live upon the basket. After this sir C. Levins spoke to evidence, and produced one Sarah Paine, who had been a servant to Mr. Grove, sir Richard Barker, William Walker, Sarah Ives, Mrs. Mayo, Philip Page, one Butler, a coachman to sir R. Barker, Mr. Smith, a school-master of Islington, and a Mr. Clay, who stated himself to be a papist, to repel the evidence for the prisoners. as to the fact of Oates being in London during the result. These witnesses testified they saw Oates in a sort of disguise, but none of them spoke so positive as Smith the school master, who afterwards, says Eichard, "in a narrative retracted all that he had said, and confessed his guilt." The examination of these witnesses being closed, lord chief justice North said,—Come, what say you now, Mr. Whitbread, to this.

Whitbread.—I have this to say; first, that at my last trial when I pressed him to declare who had seen him, when he said he was here in town, he could name nobody, not one. I know afterwards he was examined at the committee, and then he could name nobody neither. He said he was there privately at Mr. Grove's, and we can prove that he never did lie there in his life. And then he said absolutely he had not seen much company, he stayed but six days. Now this good doctor that does say he saw him here in the latter end of March, or the middle of April, whereas he himself says he came over with Hilsly the 24th of April.

L. C. J.—He was landed here the 17th of April, and the witnesses say it was the latter end of April, or beginning of May.

Whitbread.—Mr. Oates expressly said he stayed here but six days when he came over to the consult.

L. C. J.—Why does not all this stand together?

Whitebread.—No, my lord, how could this stand together? His coming over the 17th, and his being here a great part in May, whereas he says, he was but six days.

L. C. J.—Perchance Dr. Oates may be precise enough, but look you here, these witnesses do not so exactly to a day or two, or three, or four, or five, but to the latter end of April; now might they not see him the latter end of April, and the beginning of May, and yet stand very well with Mr. Oates's testimony, who says he was landed here about the 17th of April, and stayed here about six or seven days? How nice would you have them be in that case, which because they are honest, they will not be.

L. C. J. North.—You make your defences to depend upon an uncertainty of time, which no mortal man can ever remember; besides, pray observe this, that Mr. Oates stands a good witness till you impeach him by a fry out of your own schools, and they go to the whole months of June, and April, and May; now these all speak in contradiction to them, and so Mr. Oates is still set an upright and good witness.

Whitebread.—They say they did see him there every day, or every other day.

L. C. J.—But sure I can as well tell who see him but once in such a month, and dined with him then as any that saw him never so often; but here are five witnesses upon you in this point.

Whitebread.—The one was told by his man, the other by his boy.

L. C. J.—The coach-man, and the boy, and the maid, and Mr. Smith did see him.

Mr. J. Pemberton.—The divine did see him, and went and told the woman that he had seen him, pray remember that.

L. C. J. North.—Now the evidence is concluded, say what you will for yourselves, and then we will observe what you object upon our direction to the jury, according to our consciences.

Gavan.—My lord, then I say this for myself, we commit ourselves to God Almighty. We must compare the number, though ours were not sworn, yet there were sixteen of them, boys, young men, that conversed with him every day, and these witnesses speak but of one or two particular days: One says he dined with him, and another saw him in a disguise; but, my lord, in these very witnesses there is an apparent contradiction, because out of his own mouth (*ex ore tuo te judico*) they are contradicted. He says he came over upon Sunday with Hilsly, which was the 20th of April, as I think, and stayed here only a matter of six days. One of the witnesses says he saw him in the first Monday in May.

What signify the witnesses, though upon oath, that say they saw him in May? How can he come over the 20th of April, and stay but six days, and be seen here in May? Before these can be reconciled, one of them must be false; and then, my lord, besides, that which I first said, there is the number of witnesses, they are nothing in comparison with the number of ours. And then, my lord, secondly, if we should grant that a lesser number should serve the turn, because they are sworn for the king, because they swear for the safety of the king, (whom God preserve, whatsoever becomes of me) and the other speak not upon their oaths, yet, my lord, this does not destroy nor touch at all that evidence that is brought against him about the rector of Liege, sir John Warner, and sir Thomas Preston. And though it be granted, that all the others that spoke about Mr. Oates being at St. Omers be mistaken, and must not be believed, yet we have him still by those six others, who have proved that he hath sworn false, and I hope we shall have fair play in the law to make the best defence we can for our lives; and I humbly conceive, nobody must be convicted of high treason by the law, but upon the evidence of two sufficient witnesses. Now I leave it to the conscience and honour of the court, whether he shall be believed, and counted a sufficient witness, when there are so many that have proved him false in that one point. And then besides all this, my lord, we have here sixteen at least Staffordshire witnesses, who give you an account of Mr. Ireland's being out of London from the 3d of August till the 14th of September, so that in these two things he hath been contradicted without any answer, for he says, the 12th of August he was with him, when they say he was in Staffordshire.

L. C. J.—You have forgot the maid that saw him in London the 12th or 13th.

Gavan.—No, my lord, I have not. And this is ~~to~~ I answer to it; she is a witness that only says she just saw him, but did not speak to him.

L. C. J.—She made a courtesy to him.

Gavan.—We are talking now of seeing Ireland in August, and we prove by sir John Southcot and all his family, who say they began their journey with him the 5th of August, and stayed with him till the 19th, after the particular day that she speaks of, you find seven or eight of them swear that they saw him all the time. And therefore I would feign know whether poor men's lives shall be cast away upon such evidence as this. And then, my lord, for the other thing, I hope I have made a very good plea for myself concerning the matter of July, my witnesses could be positive as to the last week; but for the other weeks, though they could not be positive, they rather believed I was there than not; but

when it is urged, why might not they give as good a testimony for the former weeks as for that. To this I answer fully, that there is a great and predominant reason why they should have a particular reason to swear why I should be there the last week rather than the other weeks, because I was then shut up in the spiritual exercise, and they had a particular reason to take notice of that. Then, my lord, I hope you will be pleased to mind this by which I have made my plea good, that is, my lord, that Mr. Oates's testimony against me is this; Mr. Ashby came to town about the middle of July, and that he stayed there about a fortnight, and that in the time of that fortnight I came to town, and said I would go see father Ashby, and had that discourse he speaks of; and so much for that. And then, my lord, I beseech you still to bear it in your mind that I have been proved not to be in town at the time of the great consult about the plot, and indeed I was not capable of it, for I was not then professed, and there could none be of that congregation about the plot, but those that were professed. I could not be there in the congregation by reason of my age, Mr. Harcourt here and the rest, if you will ask them, will tell you it; they were there, but upon the word of a dying man I was not there.

L. C. J.—Tis not positively said by Mr. Oates that you were.

Gavan.—But then, my lord, he says my name was to it, which he saw in July: now I prove that I was in Staffordshire the last week of July, and seeing I have witnesses to prove that I was there till the 14th, and the last week, and it was after the 14th that he saw me, I hope my plea is good. Then, my lord, I ground my plea upon this; I have studied philosophy and other things, but I never studied the law, and so am very ignorant of it; but this is my case; I am accused by one witness concerning one fact, and by another concerning another; the one committed here at London, the other in Staffordshire; I desire therefore to know whether the witness that swears the thing done in Staffordshire in another county being joined to the other witness that swears what was done in London, can be esteemed two witnesses according to the law, to convict me of treason.

L. C. J. North.—Yes, I'll tell you, if it were a matter of doubt, it might be found specially, and be argued; but it is a matter that hath been already resolved in the case of sir Henry Vane at the king's bench bar, who was indicted for levying war against the king, and there one witness proved the levying of war in one county, and the other proved the levying of war in another county, and so, though they were but single witnesses of single facts, yet being both

come up to the indictment, they were adjudged sufficient to maintain it. So it is in your case; here is one witness for the proving your hand to the paper, which was for the murder of the king, and there is another witness of your discourse to the same purpose; the fact is your joining and conspiring to destroy the king, and to levy war against him, and both these are proved to the full of the indictment by these witnesses; and though they are to several particular facts, yet they are all overt acts of the same treason.

Gavan.—My lord, I have a contrary opinion to that in serjeant Rolls.

L. C. J. North.—But this is a known case, and the law is settled therein.

L. C. J.—I'll tell you what, you mistake in what you say, for there are two witnesses, Oates and Dugdale, who swear to the same fact, which is killing the king, altering the government, and bringing in popery. Oates says, he saw your hand to the consult for the murder of the king, for the raising the army, and for the introducing of popery, which is a necessary consequence of change of government; Dugdale says he was with you in the parlour at my lord Aston's, where the discourse was between him and you, and others, about killing the king and altering religion. Are not these two witnesses to one and the same treason?

Gavan.—No, my lord, I conceive not.

L. C. J.—If I consult a way to kill the king here, and then I go into the country, and there I consult of it with another person, are not these two witnesses to the same treason, sure they are?

Gavan.—Then, my lord, my second plea is this; if there be two witnesses, you will grant me this ground, that no man must be convicted but upon the evidence of two legal and credible witnesses, and upon clear evidence, as the statute since his majesty's happy restoration does declare. Now two things are required certainly to make a credible witness and a clear evidence; as the witness must be credible, so it is as agreeable to reason that the evidence must be plain and clear, yea as clear as the light of the sun at mid-day. Now, therefore, if I prove, that neither the witness is credible, such as the law requires, nor the evidence clear, such as the law looks upon as such, then I ought not to be convicted by this witness upon this evidence.

L. C. J.—The jury are judges of that, and therefore there I leave it.

L. C. J. North.—You argue mighty subtly, but I'll give you this answer, there must be two *lawful* witnesses, that is *the law*; a man cannot be impeached of treason but by two lawful witnesses; now if they be not convicted of

perjury, and their testimony be not taken away, but they may be heard in a court of justice, they are lawful witnesses; now for the being credible witnesses, that is a matter that is left to the jury, but we must receive them as lawful witnesses till they be convicted of a crime that takes away their testimony.

Gavan.—Therefore because they are left to the jury, I am satisfied, and I turn myself to you, gentlemen. You are to sit upon my life and my death; as for my own part I can truly profess I am as innocent as the child unborn, and this gentleman, Mr. Whitebread, knows I was not capable of being at the consult, being not of age. Now I must leave myself to the jury, and will leave it to their judgment whether these two witnesses can be esteemed credible witnesses; for to make credible witnesses there is required honesty of life, and truth in their testimony, for no man can be a good witness that is not an honest man, nor that hath carried himself so that he is not to be believed. As to the honesty of Mr. Oates's life, you have heard that he was disgusted by the jesuits, esteemed not a person of that diligence or fidelity to be entrusted by them. He was turned out of St. Omers.

L. C. J.—Does that prove any dishonesty in Mr. Oates?

Gavan.—No, but I speak to his credibility.

L. C. J.—Speak plain, how does it impeach Mr. Oates's evidence, that the jesuits did not like him.

Gavan.—It might be a ground of hatred and malice in him against them, and then, gentlemen, I desire you to consider that other thing, that we have proved him to speak false in his testimony about sir John Warner and sir Thomas Preston; and all the business of the 12th of August concerning Mr. Ireland's being here the 12th of August, who by sixteen witnesses is proved to have been all the while in Staffordshire. And though he was not convicted of perjury before, which might have easily been done, as I have shewn to the whole world now, I appeal to the honour and conscience of the jury, whether all these proofs ought not to make this witness to be deemed an incredible witness. And pray, gentlemen, hear me this, and carry this away with you, as to the business of Ireland, between the 8th and 12th of August, how many do swear that he was in Staffordshire, I desire you but to compare that one woman that only saw him, and made a courtesy to him, as she says, with those sixteen witnesses that conversed with him daily. Then as for the second testimony of the St. Omers witnesses, which you see is thwarted by some that do swear in the king's name to the contrary. Still I desire you to compare number with number; the others, though they do not swear, are

ready to swear, and there are only three or four against sixteen of them, and there is an evident contradiction in what they say, and that proved out of his own mouth; for he says he came over the 20th of April with Mr. Hilsly, and staid only six days; they say he was here in May, and I desire these may be compared: for how could it be that he should be here in May, if he stayed but six days. And then to make your verdict, and take their credit away, I would desire you to consider those witnesses that I have brought for myself, not being here, but in Wolverhampton; for being in Staffordshire as long as till the last week of July, it must fall within the time of his testimony. I have brought witnesses to prove upon oath, that from the 22d upward they saw me in Wolverhampton, and they do remember the particular instance, that I was then at my spiritual exercise; and this is that I have to say as to Mr. Oates. As for Mr. Dugdale, I would desire you to reflect upon the whole story of his coming to discover this plot, and his being an informer about it. The truth is, I confess I have known him five or six years whilst he lived at my lord Aston's, and I have divers times discoursed with him there in Mr. Ewers's chamber, but as I hope to be saved never any thing of treason in all my life. Now it is well known, and there are those that can testify it, that in truth Dugdale run away from my lord Aston's after he had lost three hundred pounds of my lord's money.

L. C. J.—If you can say any thing against Mr. Dugdale by witnesses that you can prove it, then you say well, but if you will tell a story out of one lord's mouth and another lord's mouth, that is never to be endured; you shall never take away a man's testimony by hearsay, you must prove it.

Gavan.—'Tis well known, if I prove Dugdale no credible witness I play my own game. You know I have been a prisoner twenty weeks, and could not seek out witnesses; I asked it as soon as I knew of my trial, *but it was denied me to send for witnesses to prove that Dugdale was in gaol for debt.* If I had the recorder's warrant, or the authority of this bench, I could send for them.

L. C. J.—You must not fall upon persons without evidence, if you have witnesses to prove any thing, whom the Jury will believe, call them.

Gavan.—I do assure your lordship, as I hope to see the face of God, I am innocent of what is charged upon me. And God bless the king and this honourable court.

L. C. J.—Though you do a hundred times bless the king and court and all, you must prove things if you will be believed. What say you, Mr. Whitebread?

Whitebread.—My lord, I have but one thing to say, and 'tis but a word: your lordship was pleased to make an observation, and a good one it was; a letter which Mr. Dugdale says was written by me to Mr. Ewers, which he says he intercepted, he was in the mean time a trusty correspondent for his friend. In that letter he swears there was expressly contained positive words of entertaining persons to kill the king, that only such as were hardy, desperate, and stout; but, as your lordship well observed, that it was an improbable thing that a man who had his wits about him should write such plain expressions about such a matter, and upon that improbability, I leave it to the jury.

Mr. J. Pemberton.—Have you any thing to say, Mr. Fenwick?

Fenwick.—I desire, my lord, your lordship and the jury to consider and observe the nature both of our witnesses, and of them that are brought against us. The one speak for the whole time that they saw him every day or every other day; they daily conversed with him and eat and drank with him in the same house; the others they say only they saw him one particular day; another, another: and one of them says he saw him but in a disguise. Now, my lord, whether it be likely that so many innocent children, brought up in a good virtuous life, should come here to forswear themselves, to contradict people that we know not what they are; and then besides, we know that these people are of a poor, mean, beggarly condition, that intend to mend that condition by such a pretence of discovery, and hope thereby to advance themselves. It is probable such people might be drawn in. Then also we shall prove that sir John Warner did not come over with him, nor Mr. Williams, nor sir Thomas Preston. Then all his witness as to them is false, and he does not say he went back with these people, and this for the witnesses. Now, suppose the witnesses were all equal, what does he prove against us three? Or what reason doth he give of his evidence? He says he saw such and such letters from Mr. Whitebread. Now is it possible that a man that had no credit at all with us, that we should be such fools to trust him with such letters as those, then your lordships must hang us twice, once for fools and then for knaves. Or is it possible that we should be such egregious fools that we should trust a man that was never esteemed of, was expelled the college. And for all his talk of commissions and letters, there is not one of those found; let him shew any one commission, any money paid, or any order brought him, or any arms that were found; there are three quarters of a year now passed since the first discovery, certainly all this time could produce something. Thousands of letters have been taken from us; some of those letters would have discovered this thing: cor-

tainly therefore we have better evidence than he hath, supposing them to be equal as to credibility in their original. Is it credible we should be so great rogues to contrive the king's death, though he speaks of the writing being carried from chamber to chamber concerning this matter, he can never produce one paper signed by any one man's hand, nor can he produce any thing to attest his testimony. I leave this to your lordship's judgment whether this evidence be good, there is nothing appears in so much time of any effect that is produced: Where were the armies? Where were the monies paid? Where the commissions? Is it possible such a thing should be, and no sign of it for a whole year almost? There is no reason brought amongst them all, but saying and swearing, and that I will stand by.

Whitebread.—I thank God I don't look like a fighting-man, nor I never did; but who can think that I should be so mad, when I had committed such a secret to him, to beat him, as he says. 'Tis strange that such a plot should be discovered, wherein so many persons of quality, honour, and reputation, are said to be concerned, and yet no foot-steps of it appear, and none of them, as my lord Arundel, my lord Bellasis, should never divulge such a plot; I would feign know whether such a thing be probable, but I commend myself to God Almighty and the jury.

Harcourt.—My lord, I have only this to say; I have lived to this age, which is seventy years, and I never knew any man that could say I was accused of the thing in the world, for which I should be brought before any magistrate; and 'tis strange that after so many years I should come to be arraigned and condemned for a crime of the highest nature; and there is no reason brought against me, nor any of the rest, for the proof of what is alleged, nor do they who are the witnesses against us deserve at all any credit. They only affirm such and such things without any reason, to persuade you to believe them, and 'tis easy to say, and so 'tis easy to swear it. So that all I have to say is this; since a negative cannot be proved, I hope innocence will find some that shall defend it. I leave myself to the bench, for the law is the defence of innocence. If they did bring any evidence besides that, which is downright positive swearing, without any reason or concurrent reason to confirm it, it were something.

Fenwick.—And besides all this, to think how these men have lived before time is worth reflection and considering. As for Bedloe, he hath been a very ill man, the world knows it?

L. C. J.—Have you proved it? Can you shew any record of it?

Mr. J. Pemberton.—Turner, have you any thing to say? You have had your time.

Fenwick.—You will find that *nemo repente fit nequissimus*, no man arrives at the highest degrees of impiety at first; men grow extremely wicked by degrees. But let us see if they can blame our lives, or any thing that we have done at any time before; we prove, and all the world knows what they have been, and how scandalously they have lived.

Gavan.—Our witnesses are to be regarded for their number and for their innocency, especially, since they give no reason nor convincing arguments for what they do affirm.

L. C. J.—We would hear you, and we have heard you very long, but it must not be permitted you to go over the same things again and again.

L. C. Baron.—Hath Turner any thing to say?

Turner.—All that I have to say, my lord, is this, to ask whether it be reasonable, that Bedloe and Oates should be looked upon as good witnesses, that these persons who have been such scandalous people should be admitted to an oath, who are debarred from the sacrament; for according to the church of England, no man that is publicly scandalous can be admitted to the sacrament.

The lord chief justice then charged the jury, at some length, but entered very little into the nature of the evidence against the prisoners, which he said all tended to one thing, viz. the murder of the king, the advancing of popery, and the suppression of the protestant religion.—“*Mr. Fenwick* (observed the chief justice) says to all this, here is nothing against us, but talking and swearing. But for that, he hath been told, (if it were possible for him to learn,) that all testimony is but talking and swearing: For all things, all men's lives and fortunes, are determined by an oath; and an oath is by talking, by kissing the book, and calling God to witness to the truth of what is said. That is the essence of an oath, and those are the ceremonies. The kissing the book, and speaking, is the accidental form; the substance, is calling God to witness. Therefore, what a vain thing is it in *Mr. Fenwick*, to seem to triumph, by saying, there is nothing against us, but talking and swearing. There is nothing against them, but evidence and proof of men upon oath: And *their* reasons, the truth is, are very trifles. They defend their lives as they do their religion, with weak arguments, and fallacious reasons.

“For that long business, that *Mr. Gavan* hath undertaken to say against *Mr. Oates*, and what they all insist upon, viz. the number of their witnesses, which were sixteen, amounts to this, to disprove *Mr. Oates*, that it could not be true what he says, that he should be present here at a consult, the twenty-fourth of April, because they have brought sixteen from *St. Omers* to prove, that he was

there all April and May. 'Tis very true now, if that be so, it is impossible, Oates can swear any truth: but whether that is to be believed or no, is the question? Methinks, they did not do well for themselves, when they bid you remember the *nature* of the evidence. They did well enough to bid you remember the number: for the number is more than what Oates is backed with on the other side; but the nature is of much less weight: not only because they are not upon their oaths, for by law they may not be upon their oaths; (and that must not be charged on them as a defect, seeing they would swear, I doubt not, if they might) but because their testimony is *really to be believed much alike without an oath, as with one*; because they are of a religion *that can dispense with oaths, though false*, for the sake of a good cause. But, seeing they desire the *nature* of the men may be considered, you are to observe, that they are proselytes, and young striplings of their church; which does indeed, in one respect or other, abuse all her disciples, and keeps them in a blind obedience, to pursue and effect all her commands. If the doctrines of that church were better; if such which are allowed by their chief authors, were but less bloody and inhuman; if they had ever put those that are so, into an *index expurgatorius*, that they might have been publicly disowned, and declared as the particular opinions of some ill men, which they did disavow; these men might have been then more worthy to be regarded. But when none of their popes have done this (who must have very strange foreheads, if they say, they have) and such doctrines are still owned: there is much indeed to be observed from the nature of the evidence, the nature of the men, and their profession. I must confess, I believe, that they would deny their principles to be bloody, or to be defended and allowed by any of their best authors, if at this time, the fear of apparent falsehood did not deter them: But if to murder kings, or to despoise them, and absolve their subjects from their allegiance for the advancement of religion, be a thing most impious, and void of religion, and makes religion worse than none; which doctrine yet they have owned, and their counsels have owned, and we have proved it upon them, and out of them: I cannot tell what to say to these men, or their testimony; the nature of whom they desire to be considered. But they were young boys, sent for hither on purpose to give this testimony; and it was not indeed, a fault in the prisoners at the bar, to send for what evidence they could for themselves: But it is very doubtful and suspicious, to have such green and flexible minds thus employed, and I must leave it to you, to consider how far these young men trained in such principles, may be prevailed on, to speak what is not true."

The judge then commented upon the evidence produced by Oates to disprove the witnesses from St. Omers, and continued—"Now if you observe, all these men's defence is in the circumstantial part of the evidence, in watching and catching at what day, what hour, and what month, how Mr. Oates reckoned false, so and so: If he came here about the twentieth of April, how could they see him the first of May? And they think then, they have got such a mighty victory, but it is not so weighty an argument which protestants after all their conceit, that it is unanswerable; for here is the point, the matter of time is a thing that no man can so precisely charge his memory with, as that it should be too strictly the measure of your judgments about truth or falsehood, by the mistake of seven or eight days. Examine yourselves, how often every day you do mistake things that have been transacted half a year ago, and err in point of time, taking one week for another, and one month for another; and though I must say, it is considerable, yet too great weight is not to be laid upon that. As for that they insist upon so much, the coming over of sir Thomas Preston and sir John Warner with Mr. Oates; it is true, three or four witnesses speak, as to sir John Warner, and some to sir Thomas Preston; and they say, they were both beyond sea when Mr. Oates came over; but if the sixteen be not to be believed in the first matter, and if Mr. Oates does say true, notwithstanding all their evidence, that he was here such a time in April and May, then I'll tell you what inference may naturally be; to wit, that they can't want a witness to prove what they please: for I believe there is none of them all will make any bones of it." Here the chief justice alluded to that part of the evidence of Dugdale which related to the murder of sir Edmundbury Godfrey, and concluded his charge with the following remarkable words:—"For my own part, this evidence of Mr. Dugdale's gives me the greatest satisfaction of any thing in the world in this matter; and whilst we rest satisfied in the murder of that man, and are morally certain you must do it, knowing of what principles you are, you cannot blame us, if upon such manifest reasons we lay it upon you.

"And this is occasional evidence, which I, for my part, never heard before this day; nor can I ever be more, or better satisfied, than I am upon this point, viz. The testimony that I have received this afternoon concerning the murder of sir Edmundbury Godfrey. As to the defences they have made, they are exceptions in point of time, but do not affect Mr. Dugdale; for they have hardly the confidence to deny the things he says to be true against them.

"They fall foul indeed upon Mr. Oates: he appears to have been their agent; and whilst so, bad enough: But if he had

not had a mind to have become a good man, he would not likely have done us that good that he hath done, in discovering the design you had engaged him in." Let any man judge, by your principles and practices, what you will not do, for the promoting of the same.

"For while this gentleman's blood lies upon you (and some have been executed for it), it must be yet farther told you, that in what you *did* do, you have given us a *specimen* of what you *would* do. We have a testimony, that for promoting your cause, you would not stick at the protestants' blood. You *began* with Sir Edmundbury Godfrey, but who knows where you would have made an *end*! It was this one man you killed in his *person*, but in *effigy* the whole nation. It was in one man's blood your hands are *embrewed*; but your souls were *dipt in the blood of us all*. This was a *hansel* only of what was to follow; and so long as we are convinced you killed him, we cannot but believe, you would also kill the king. We cannot but believe, you would make all of us away, that stand in the way of your religion: a religion, which, according to what it is, you would bring in upon us; by a *conversion* of us with *blood*; and *baptism* with *fire*. God keep our *land* from the one, and our *city* from the other!"

The jury then retired for about a quarter of an hour, and returned with a verdict of guilty against all the prisoners, but sentence was respited till next day.

On which day, writes Echard, came on the trial of Richard Langhorne, esq. a counsellor at law, of the Temple, a romish gentleman, well skilled in conveyancing, and much employed by that party. Being brought to the same place with the five jesuits, and before the same persons, with a new jury; Oates appeared and swore: 1. That the prisoner held correspondence with le Chaise and others, and that the witness carried several letters to persons beyond the seas, in one of which he saw under his own hand, words to this purpose, that now they had a fair opportunity to begin, or give the blow; with other expressions plain enough concerning the plot. 2. That he had orders from the provincial Whitebread to give Mr. Langhorne an account of the resolve of the grand consult, April 24th, 1678, and upon acquainting him with it, the gentleman lifted up his hands and eyes, and prayed, that God would give it good success. 3. That he saw in his chamber certain commissions, which they called patents: and that he permitted the witness to peruse several of them: one was to the lord Arundel of Wardour, to be lord chancellor, another to the lord Powis, to be treasurer, and one to the prisoner, to be advocate of the army; all signed Johannes Paulus d'Oliva, by virtue of a brief from the pope. 4. That being employed as a so-

licitor for several of the fathers of the society, the prisoner prevailed with the benedictine monks to raise six thousand pounds for carrying on the cause; and said in his hearing, that he would do his utmost for procuring the money. 5. That he was disgusted that sir George Wakeman was not content with ten thousand pounds to poison the king, and called him a narrow-spirited, narrow-souled physician; who, for so public cause, ought to have done it for nothing. 6. An instrument being produced, signed Paulus d'Oliya, found in Langhorne's chamber: Oates swore, that the fore-mentioned commissions were signed by the same hand: but they were all conveyed away, and this being only an ecclesiastical business, and not dangerous as they thought, was left behind. In the next place, Bedloe swore, first, That going with Coleman to the prisoner's chamber, the former gave him his letters to le Chaise, the pope's nuncio and others, open to read, and register in a book kept by him for that purpose; and that some of the expressions in these letters were, that all things were now in readiness, and they only wanted money; that the catholics were now in safety; that places and offices had been disposed to them, and that all garrisons either were, or suddenly would be, in their hands; and now they had a fair opportunity, having a king so easy to believe what was dictated to him by a party. 2. That he brought other letters from Harcourt to Langhorne to be registered; of which letters, one was from the rector of the Irish college at Salamanca, which specified, that the lord Bellasis, and the rest concerned, should be in readiness, for that they had sent some Irish cashiered soldiers, with many other lay brothers, under the notion of pilgrims, for St. Jago, who were to take shipping at the Groyne, and to land at Milford haven, and there to join with the lord Powis.

Mr. Langhorne in his defence, besides the solemn protestation of his innocence, alleged, that Oates and Bedloe, the witnesses against him, were parties in the crime, and desired to know whether they had their pardons. Upon understanding that Bedloe had three, and Oates had two, all under the broad seal; he insisted, that they were still approvers in the eye of the law, and therefore not to be heard; and desired to know whether they expected any rewards for their discoveries. Oates replied upon oath, that he had been rewarded by expending six or seven hundred pounds out of his own pocket, without knowing if he should ever see it again. Langhorne then alledged, he had heard that Bedloe had received five hundred pounds; but he was answered, that that was for the discovery of sir Edmund-bury Godfrey's murder, and not for the plot; and Bedloe swore, that he was so far from having any benefit by

that discovery, that he was seven hundred pounds out of pocket. When the prisoner insisted upon the improbability of their assertions, by reason of their great necessities and poverty, when they first made their discoveries, he was told that such enquiries were foreign to the matter in hand, and that they reflected on the integrity of kings, lords, and commons; on which he proceeded to prove Oates to be perjured with respect to the consult in April 24th, and to the business of father Ireland, by the same witnesses that had been used by the five jesuits the day before, and because Oates had formerly sworn, that he lay at Grove's house at the time of the consult, he brought Mrs. Grove to testify, that he never was there about that time; which was confirmed by her maid; and both affirmed, that the house was then taken up, and that there was no room to lodge him in.

When Mr. Langhorne ordered his witnesses to be called, Oates said to the court, "My lord, here are papists come into court with their swords on."—To which the chief justice replied, "They will not draw them here;" and the lord mayor observed, "'Tis well enough, 'tis well enough, Dr. Oates, you are safe enough here."—During the time some of the witnesses for the prisoner were under examination, lord Castlemain entered the court and stated to the bench, that others of the prisoner's witnesses were so beaten and abused by the populace, that they dare not come to give their evidence, for fear of being killed. And Mrs. Sylliard, on her appearing, stated to the judges that she durst not speak, unless the court would promise her protection against the rabble, because some of the witnesses had been ill-treated. This the court would not undertake to do, but only promised to punish such offenders as might meddle with her, if *she* brought them before the court. In consequence of this the prisoner humanely waived her evidence, rather than she should be brought to peril on his account.—After sir C. Levins had spoken to evidence, and produced further witnesses in support of it, Mr. Langhorne spoke as follows in his defence:—"My lord, I am charged here by two witnesses, the first is Mr. Oates; if I can prove any one point (in answer to that which he hath given in evidence) not to be true, then I conceive, my lord, he ought to be set aside. And I think it hath been clearly proved, that whereas he said sir Thomas Preston came over with him in April, it hath been clearly proved he was then at Liege; and whereas he hath affirmed, sir John Warner, Mr. Poole, and two or three more that were at St. Omers came over with him, I have proved that not to be true beyond any contradiction. Then, as the witnesses about his own not coming over in April, Mr. Hilsly says he came not over with him in the packet-boat; and the other says that he was sick in the infirmary after Mr. Hilsly came

away. These points being thus proved, I think there can be no credit given to what he says; for I can say, and I know it to be truth, that from November, 1677, to this very day I never saw him. I have been a close prisoner so long, and have had but one week's time to provide, and therefore must be fain to take such information as my friends and relations could pick up, to answer what he hath said in his narratives, supposing he would have said the same here; therefore I am not able to make any better defence.

L. C. J.—Did you never know Mr. Oates?

Langhorne.—I have seen him once or twice.

L. C. J.—When was that?

Langhorne.—In Michaelmās term, 1677.

L. C. J.—Upon what occasion?

Langhorne.—He brought me a letter from one of my sons, my younger son in Spain, and then he told me he was going to St. Omers: he said he could not be settled in any of the colleges in Spain, and therefore he would go to St. Omers; and from that day I never saw him till I saw him in the court. I hope truly I have well proved that he was not here in England when he says he was, but that I must leave to the jury. But surely these boys cannot be supposed to have any design, or to be bribed by any reward, for I never saw the face of any of them till now.

L. C. J. North.—They are all *papists*, and speak in a general cause.

Langhorne.—If that be an objection against them, I think it is hard if they are not to be believed because they are *papists* and friends; then the other on the contrary are not to be believed because they are enemies. I think it is clear that he did not lodge at Grove's house, and I think it is clear that he did not come over in the packet-boat with Mr. Hilsly, and that sir Thomas Preston did not come over with him, nor Warner, nor Poole; and if any of these points be clear for me, I think his testimony ought to be set aside. Now as to what Bedloe says, in truth it is impossible for me to examine any witnesses, and that I think will be your lordship's opinion; it will not seem probable that one that was in my way of practice should become a clerk to register letters, and to keep accounts of any particular religious order, as he makes me to do; or, if I were, that I should admit Mr. Bedloe to be privy to those accounts; but that I must leave to the court, my lord, 'tis impossible to prove a negative. Mr. Bedloe is a person that I have no acquaintance with, truly I do not know that ever I saw him before this time in all my life; though it is possible I may have seen him, but I do not know that ever I did. Now that I should admit such a person to such a privacy in accounts of this nature, (if I were guilty of them) seems very improbable; but yet, as I

said, it is impossible to prove a negative. If I had known what he would have charged upon me before, perhaps I might have made a better defence; and for those witnesses I have had, they were prepared by such friends as thought they would be useful for me. These men have had time to get their witnesses together; I never saw one of mine till they came into the court. I hope, my lord, I shall find no disadvantage in my coming here upon the account of my religion, for that would seem as if you condemned me merely for that: I disclaim all principles of disloyalty, and I do assure your lordship, I do believe it is damnation to any one that shall go about to kill the king, or deprive him of his government; I shall leave the rest to your lordship and the jury."

The lord chief justice then charged the jury, in his usual strains of invective against the deposing and king-killing doctrines of papists, alledging that they teach and practice all sorts of equivocations, and that a lye does God good service, if it be for the propagation of the faith, and inferring therefrom that the witnesses produced by the prisoner were not worthy of credit in consequence of the principles instilled into them by their teachers. In conclusion, the jury brought him in guilty, and he received sentence, together with the five jesuits, at the pronouncing of which by the recorder, who prefaced it by a violent and inflammatory speech against the doctrines of the catholic church, there was a very great acclamation by the mob in the court.

On Friday the 20th of June, being the day appointed for the execution of the five jesuits, they were drawn on three hurdles from Newgate to the place of execution. In the first hurdle went Thomas Whitebread and William Harcourt. In the second, Anthony Turner and John Gavan. And in the third, John Fenwick. And being come to the place of execution, they were all put into one cart. Then Gavan said, "if God give us his grace, it is no matter where we die, at the gallows or elsewhere." As the executioner was fastening the halters, Gavan said, I hope you will be civil to dying men.—*Executioner*. I will be civil to you.—*Gavan*. I hope they will give us leave to speak.

THE LAST SPEECH OF THOMAS WHITEBREAD.

I suppose it is expected I should speak something to the matter I am condemned for, and brought hither to suffer: it is no less than the contriving and plotting his majesty's death, and the alteration of the government of the church and state. You all either know, or ought to know, I am to make my appearance before the face of Almighty God, and with all imaginable certainty and evidence to receive a final judgment, for all the thoughts, words, and actions of my

whole life. So that I am not now upon terms to speak other than the truth, and therefore in his most holy presence, and as I hope for mercy from his divine majesty, I do declare to you here present, and to the whole world, that I go out of the world as innocent, and as free from any guilt of these things laid to my charge in this matter, as I came into the world from my mother's womb; and that I do renounce from my heart all manner of pardons, absolutions, dispensations, for swearing, as occasions or interest may seem to require, which some have been pleased to lay to our charge, as matter of our practice and doctrine, but is a thing so unjustifiable and unlawful, that I believe, and ever did, that no power on earth can authorize me, or any body so to do. As for those who have most falsely accused me (as time, either in this world, or in the next, will make appear) I do heartily forgive them, and beg of God to grant them his holy grace, that they may repent their unjust proceedings against me; otherwise they will in conclusion find they have done themselves more wrong than I have suffered from them, though that has been a great deal. I pray God bless his majesty both temporally and eternally, which has been my daily prayer for him, and is all the harm that I ever intended or imagined against him. And I do with this my last breath, in the sight of God declare, that I never did learn, or teach, nor believe, nor can as a catholic believe, that it is lawful upon any occasion or pretence whatsoever, to design or contrive the death of his majesty, or any hurt to his person; but on the contrary, all are bound to obey, defend, and preserve his sacred person, to the utmost of their power. And I do moreover declare, that this is the true and plain sense of my soul, in the sight of him who knows the secrets of my heart, and as I hope to see his blessed face, without any equivocation, or mental reservation. This is all I have to say concerning the matter of my condemnation; that which remains for me now to do, is to recommend my soul into the hands of my blessed redeemer, by whose only merits and passion I hope for salvation.

THE LAST SPEECH OF WILLIAM HARCOURT.

The words of dying persons have been always esteemed as of greatest authority; because uttered then, when shortly after they are to be cited before the high tribunal of Almighty God. This gives me hopes that mine may be looked upon as such: therefore I do here declare in the presence of Almighty God, the whole court of heaven, and this numerous assembly, that as I ever hope by the merits and passion of my sweet Lord and Saviour Jesus Christ for eternal bliss, I am as innocent as the child unborn of any thing laid to my charge, and for which I am here to die.

[*Sher. How.*—Or sir Edmundbury Godfrey's death?

Harcourt.—Or sir Edmundbury Godfrey's death.

Sher. How.—Did not you write that letter concerning the dispatch of sir Edmundbury Godfrey?

Harcourt.—No, sir, these are the words of a dying man, I would not do it for a thousand worlds.

Sher. How.—How have you lived?

Harcourt.—I have lived like a man of repute all my life, and never was before the face of a judge till my trial: No man can accuse me. I have, from my youth, been bred up in the education of my duty towards God and man.]

And I do utterly abhor and detest that abominable false doctrine laid to our charge, that we can have licences to commit perjury, or any sin to advantage our cause, being expressly against the doctrine of St. Paul, saying, *Non sunt facienda mala, ut eveniant bona*; evil is not to be done that good may come thereof. And therefore we hold it in all cases unlawful to kill or murder any person whatsoever, much more our lawful king now reigning; whose personal and temporal dominions we are ready to defend with our lives and fortunes, against any opponent whatsoever, none excepted. I forgive all that have contrived my death, and humbly beg pardon of Almighty God for them. And I ask pardon of all the world. I pray God bless his majesty, and grant him a prosperous reign. The like I wish to his royal consort, the best of queens. I humbly beg the prayers of all those who are in the communion of the roman church, if any such be present.

THE LAST SPEECH OF ANTHONY TURNER.

Being now, good people, very near my end, and summoned by a violent death to appear before God's tribunal, there to render an account of all my thoughts, words, and actions, before a just judge, I conceive I am bound in conscience to do myself that justice, as to declare upon oath my innocence from the horrid crime of treason, with which I am falsely accused: And I esteem it a duty I owe to christian charity, to publish to the world before my death, all that I know in this point, concerning those catholics I have conversed with since the first noise of the plot, desiring from the bottom of my heart, that the whole truth may appear, that innocence may be cleared, to the great glory of God, and the peace and welfare of the king and country. As to myself, I call God to witness, that I was never in my whole life present at any consult or meeting of the jesuits, where any oath of secrecy was taken, or the sacrament, as a bond of secrecy, either by me or any one of them, to conceal any plot against his sacred majesty; nor was I ever present at any meeting or consult of theirs,

where any proposal was made, or resolve taken or signed, either by me or any of them, for taking away the life of our dread sovereign; an impiety of such a nature, that had I been present at any such meeting, I should have been bound by the laws of God, and by the principles of my religion, (and by God's grace would have acted accordingly) to have discovered such a devilish treason to the civil magistrate, to the end they might have been brought to condign punishment. I was so far, good people, from being in September last at a consult of the jesuits at Tixall, in Mr. Ewer's chamber, that I vow to God, as I hope for salvation, I never was so much as once that year at Tixall, my lord Aston's house. 'Tis true I was at the congregation of the jesuits held on the 24th of April was twelve-month, but in that meeting, as I hope to be saved, we meddled not with state affairs, but only treated about the concerns of our province, which is usually done by us, without offence to temporal princes, every third year all the world over.

[*Sher. How.*—You do only justify yourselves here. We will not believe a word that you say. Spend your time in prayer, and we will not thing your time too long.]

I am, good people, as free from the treason I am accused of, as the child that is unborn, and being innocent I never accused myself in confession of any thing that I am charged with. Certainly, if I had been conscious to myself of any guilt in this kind, I should not so frankly and freely, as I did, of my own accord, have presented myself before the king's most honourable privy council. As for those catholics, which I have conversed with since the noise of the plot, I protest before God, in the words of a dying man, that I never heard any one of them, either priest or layman, express to me the least knowledge of any plot, that was then on foot amongst the catholics, against the king's most excellent majesty, for the advancing the catholic religion. I die a roman catholic, and humbly beg the prayers of such, for my happy passage into a better life.—I have been of that religion above thirty years, and now give God Almighty infinite thanks for calling me by his holy grace to the knowledge of this truth, notwithstanding the prejudice of my former education. God of his infinite goodness bless the king, and all the royal family, and grant his majesty a prosperous reign here, and a crown of glory hereafter. God in his mercy forgive all those who have falsely accused me, and have had any hand in my death; I forgive them from the bottom of my heart, as I hope myself for forgiveness at the hands of God.

MR. TURNER'S PRAYER.

O God, who hast created me to a supernatural end, to

serve thee in this life by grace, and enjoy thee in the next by glory, be pleased to grant by the merits of thy bitter death and passion, that after this wretched life shall be ended, I may not fail of a full enjoyment of thee my last end and sovereign good. I humbly beg pardon for all the sins which I have committed against thy divine majesty, since the first instant I came to the use of reason to this very time. I am heartily sorry from the very bottom of my heart, for having offended thee so good, so powerful, so wise, and so just a God, and purpose by the help of thy grace, never more to offend thee, my good God, whom I love above all things.

O sweet Jesus, who hath suffered a most painful and ignominious death upon the cross of our salvation, apply, I beseech thee, unto me the merits of thy sacred passion, and justify unto me these sufferings of mine, which I humbly accept of for thy sake in union of the sufferings of thy sacred majesty, and in punishment and satisfaction of my sins.

O my dear Saviour and Redeemer, I return thee immortal thanks for all thou hast pleased to do for me in the whole course of my life, and now in the hour of my death, with a firm belief of all things thou hast revealed, and a steadfast hope of obtaining everlasting bliss, I cheerfully cast myself into the arms of thy mercy, whose arms were stretched upon the cross for my redemption. Sweet Jesus, receive my spirit.

THE LAST SPEECH OF JOHN GAVAN.

Dearly beloved countrymen, I am come now to the last scene of mortality, to the hour of my death, an hour which is the horizon between time and eternity, an hour which must either make me a star to shine for ever in the empire above, or a firebrand to burn everlasting amongst the damned souls in hell below; an hour in which if I deal sincerely, and with a hearty sorrow acknowledge my crimes, I may hope for mercy; but if I falsely deny them, I must expect nothing but eternal damnation: and therefore what I shall say in this great hour, I hope you will believe. And now in this hour I do solemnly swear, protest, and vow, by all that is sacred in heaven and on earth, and as I hope to see the face of God in glory, that I am as innocent as the child unborn of those treasonable crimes, which Mr. Oates and Mr. Dugdale have sworn against me in my trial; and for which, sentence of death was pronounced against me the day after my trial. And that you may be assured, that what I say is true, I do in the like manner protest, vow, and swear, as I hope to see the face of God in glory, that I do not in what I say unto you, make use of any equivocation, or mental reservation,

or material prolocution, or any such like way to palliate truth. Neither do I make use of any dispensations from the pope, or any body else; or of any oath of secrecy, or any absolution in confession or out of confession to deny the truth; but I speak in the plain sense which the words bear; and if I do speak in any other sense, to palliate or hide the truth, I wish with all my soul that God may exclude me from his heavenly glory, and condemn me to the lowest place of hell fire: and so much to that point.

And now dear countrymen, in the second place, I do confess and own to the world that I am a roman catholic, and a priest, and one of that sort of priests called jesuits; and now because they are so falsely charged for holding king-killing doctrine, I think it my duty to protest to you with my last dying words, that neither I in particular, nor the jesuits in general, hold any such opinion, but utterly abhor and detest it: and I assure you, that amongst the vast number of authors, which among the jesuits have printed philosophy, divinity, cases, or sermons, there is not one, to the best of my knowledge, that allows of king-killing doctrine, or holds this position, that it is lawful for a private person to kill a king, although a heretic, although a pagan, although a tyrant: there is, I say, not one jesuit that holds this, except Mariana, the Spanish jesuit, and he defends it not absolutely, but only problematically, for which his book was called in, and that opinion expunged and censured. And is it not a sad thing, that for the rashness of one single man, whilst the rest cry out against him, and hold the contrary, that a whole religious order should be sentenced? But I have not time to discuss this point at large, and therefore I refer you all to a royal author, I mean the wise and victorious king Henry the fourth of France, the royal grandfather of our present gracious king, in a public oration which he pronounced, in defence of the jesuits, amongst other things declaring, that he was very well satisfied with the jesuits' doctrine concerning kings, as being conformable to the best doctors in the church. But why do I relate the testimony of one single prince, when the whole catholic world is the jesuits advocate? therein chiefly Germany, France, Italy, Spain, and Flanders, trust the education of their youth to them in a very great measure, they trust their own souls to be governed by them, in the administration of the sacraments. And can you imagine so many great kings and princes, and so many wise states should do or permit this to be done in their kingdoms, if the jesuits were men of such damnable principles as they are now taken for in England?

In the third place, dear countrymen, I do protest, that as I never in my life did machine, or contrive either the depo-

sition or death of the king, so now at my death I do heartily desire of God to grant him a quiet and happy reign upon earth, and an everlasting crown in heaven. For the judges also, and the jury, and all those that were any ways concerned, either in my trial, accusation, or condemnation, I do humbly ask pardon of God, to grant them both temporal and eternal happiness. And as for Mr. Oates and Mr. Dugdale, I call God to witness, they, by false oaths, have brought me to this untimely end. I heartily forgive them, because God commands me so to do; and I beg of God for his infinite mercy to grant them true sorrow and repentance in this world, that they may be capable of eternal happiness in the next. And having discharged my duty towards myself, and my own innocence towards my order, and its doctrine to my neighbour and the world, I have nothing else to do now, my great God, but to cast myself into the arms of your mercy. I believe you are one divine essence, and three divine persons; I believe the second person of the trinity became man to redeem me; and I believe you are an eternal rewarder of the good, and an eternal chastiser of the bad. In fine, I believe all you have revealed for your own infinite veracity; I hope in you above all things, for your infinite fidelity; and I love you above all things, for your infinite beauty and goodness; and I am heartily sorry, that ever I offended so great a God with my whole heart: I am contented to undergo an ignominious death for the love of you, my dear Jesus, seeing you have been pleased to undergo an ignominious death for the love of me.

THE LAST SPEECH OF JOHN FENWICK.

Good people, I suppose you expect I should say something as to the crime I am condemned for, and either acknowledge my guilt, or assert my innocency. I do therefore declare before God and the whole world, and call God to witness that what I say is true, that I am innocent of what is laid to my charge of plotting the king's death, and endeavouring to subvert the government, and bring in a foreign power, as the child unborn; and that I know nothing of it, but what I have learned from Mr. Oates and his companions, and what comes originally from them.

[*Sher. How.*—If you can make a good conclusion to your own life, it will do well; consider if your letters did not agree with the evidence, that is another matter.

Fenwick.—I assure you I do renounce all treason from my very heart. I have always, and ever shall disown the opinion of such devilish practices as these are of king-killing. If I speak not the whole frame of my heart, I wish God may exclude me from his glory.

Sher. How.—Those that murdered sir Edmundbury Godfrey, said as you do.

Fenwick.—As for sir Edmundbury Godfrey, I protest before God, I know nothing of it: I never saw the man in my life.

Sher. How.—For my part, I am of opinion you had a hand in it.

Fenwick.—Now, that I am a dying man, do you think I would go and damn my soul?

Sher. How.—I wish you all the good I can, but I'll assure you, I believe never a word you say.

Fenwick.—I pray for his majesty every day, and wish him all happiness with all my heart. Also I do with all my soul, pardon all my accusers. If the judge or jury did any thing amiss, I pardon them with all my soul, and all persons directly or indirectly. I am very willing and ready to suffer this death. I pray God pardon me my sins, and save my soul.]

And as to what is said and commonly believed of roman catholics, that they are not to be believed or trusted, because they can have dispensations for lying, perjury, killing kings, and other the most enormous crimes; I do utterly renounce all such pardons, dispensations, and withall declare, that it is a most wicked and malicious calumny cast upon catholics, who do all with all their hearts and souls, hate and detest all such wicked and damnable practices, and in the words of a dying man, and as I hope for mercy at the hands of God, before whom I must shortly appear and give an account of all my actions, I do again declare, that what I have said is true, and I hope christian charity will not let you think, that by the last act of my life, I would cast away my soul, by sealing up my last breath with a damnable lye.

Then they were at their private devotions for about an hour. And Mr. Sheriff How spake to them: Pray aloud, gentlemen, that we may join with you; we shall do you no hurt, if we do you no good. Are you ashamed of your prayers? Then he spake to Mr. Gavan, and said, it is reported you did preach at the quakers' meeting.

To this Gavan made answer, No sir, I never preached there in my life.

After they had ended their devotions, the executioner pulled their caps over their faces, and went down and drew away the cart, and they were all hanged together till they were dead, and then cut down and quartered, and their bodies disposed of according to his majesty's command.

Mr. Langhorne, either in consideration of his affairs with others, which it might be necessary to adjust, or rather in hopes of bringing out a free confession, was reprieved for

a month, and then executed at Tyburn, on the 14th of July. At the place of execution, he likewise persisted in his innocence in the most solemn, positive, and expressive manner, and delivered to Mr. How, the sheriff, the speech which he had prepared, desiring it might be published. The following is a copy of it:—"In regard I could not foresee, I should be permitted to speak at my death, so as to make a public declaration of my innocence and loyalty, as a christian ought to do; considering likewise, that if it should be permitted to me, it would be more adviseable for me, rather to prepare before-hand, and set down in writing the very words in which I should make my declaration, than to trust my memory with them; to the end, that the same may be well considered of, and digested by me, and that all mistakes might be prevented, as far as may be; I say in regard of this, I have, in the present paper, reduced what I have to declare, as to my innocence and loyalty; and it is in the following words: I do solemnly and sincerely in the presence of almighty God, profess, testify, and declare as follows, that is to say: that I do with my heart and soul believe, and own my most gracious sovereign lord the king's majesty, king Charles II. to be my true and lawful sovereign prince and king, in the same sense and latitude, to all intents and purposes, as in the oath, commonly called the *oath of allegiance*, his said majesty is expressed to be king of this realm of England. That I do in my soul believe, that neither the pope, nor any prince, potentate, or foreign authority, nor the people of England, nor any other authority out of this kingdom, or within the same, have, or hath any right to dispossess his majesty of the crown and government of England; or to depose him therefrom, for any cause, or pretended cause whatsoever; or to give licence to me, or to any other of his majesty's subjects whatsoever, to bear arms against his said majesty, or to take away his life, or to do him any bodily harm, or to disturb the government of this kingdom, as the same is now established by law; or to alter, or to go about to alter the said government, or the religion now established in England, by any way of force. That neither I am, nor ever was at any time, or times guilty, so much as in my secret thoughts, of any treason, or misprision of treason whatsoever. That I did not in the month of November, or at any other time or times whatsoever, say unto Mr. Oates, or any other person or persons whatsoever, in relation to my sons in Spain, or either of them, or in relation to any other person or persons whatsoever, that if they did continue in the world (as secular priests or otherwise) they should have great promotions in England; for that things would not last long in the posture they then were; nor did I ever say any words to that, or

the like effect to any person or persons whatsoever. That I did never, in all my life time, write any letter or other thing whatsoever unto, or receive any letter, or other thing from father la Chaise, or any French jesuit whatsoever; or from father Anderton, or cardinal Barberini, or any other cardinal; nor did I ever see any letter, or copy of any letter, or other paper, or other thing, written, or purporting to be written, unto the said la Chaise, or unto the said father Anderton, or the said cardinal Barberini, by any person or persons whatsoever, other than the printed letters, printed in the narrative of the trial of Mr. Edward Coleman, lately executed, which I never saw otherwise, than in the said printed narrative; nor did I ever hear any mention made by any person whatsoever, of the name of la Chaise or father la Chaise, before I read the said printed narrative. That I did never, in all my life time, make any entry, or entries, into any book or books, or take, or make, or write, or cause to be written into any book or books, or otherwise, any letter or letters, or any copy or copies of any letter or letters written by the said Edward Coleman to any person or persons whatsoever. That I did never, in all my life time, enter or register in any book or books, to take, or make, or write, or cause to be written, any copy or copies of any act, or acts, consult, or consults, determination, or determinations, order or orders, resolve or resolves, or other matter, or thing, at any time made, determined, resolved, passed, decreed, or agitated in any congregation or congregations, consult or consults, chapter or chapters, assembly or assemblies of the society or order of Jesus, or of any other religious order whatsoever: nor did I ever see, read, or hear read; nor did any person or persons, at any time whatsoever, ever communicate unto me any such act, consult or determination, order, resolve, matter, or thing whatsoever. That I did never, in all my life time, to my knowledge, belief, or remembrance, see or speak with Mr. Bedloe, who gave evidence against me at my trial, until I saw him in that court, wherein he gave evidence against me. That after the month of November, which was in the year of our Lord 1677, I did never see, or speak with Mr. Titus Oates before named, until I saw him in the same court, where he gave evidence against me at my trial. That I did never see, in all my life time, to my knowledge, belief, or remembrance, any commission or commissions, patent or patents, grant or grants, order or orders, instrument or instruments, writing or writings, or other matter, or thing whatsoever, under, or pretended to be under the hand and seal, or the hand, or the seal of Joannes Paulus de Oliva, or any other general of the jesuits whatsoever, other than the paper or instrument produced, and shewn unto me in the

said court at my trial, which, whether it was signed, or sealed by the said de Oliva, I do not know. That I did never, in all my life time, write, or cause or procure to be written, any treasonable letter or letters whatsoever, or any thing, which was, or is treason, or treasonable in any letter or letters, book or books, paper or papers, or otherwise howsoever. That I believe that, if I did know, or should know, of any treasonable design, that was, or is intended, or should be intended, against his said majesty, or the government of this his majesty's kingdom, or for the alteration, by force, advise, or otherwise, of the said government, or of the religion now established in this kingdom; and should conceal, and not discover the same unto his said majesty, or his said majesty's counsel, or ministers, or some of them; such concealment would be unto me a sin unto death, and eternal damnation. That I do believe, that it is no ways lawful for me to lie, or speak any thing, which I know to be untrue; or commit any sin, or do any evil, that good may come of it: and that it is not in the power of any priest, or of the pope, or of God himself, to give me a licence to lie, or to speak any thing, which I know to be untrue; because every such lie would be a sin against truth; and almighty God, who is perfect truth, cannot give a licence to commit a sin against his own essence. And I do solemnly in the presence of God, profess, testify, and declare, that as I hope for salvation, and expect any benefit of the blood and passion of my dearest Saviour Jesus Christ, I do make this declaration, and protestation, and every part thereof, in the plain and ordinary sense, wherein the same stands written, as they are commonly understood by English protestants, and the courts of justice in England, without any evasion, or equivocation, or delusion, or mental reservation whatsoever; or without any dispensation, or pardon, or absolution already granted to me for this, or any other purpose by the pope, or any other power, authority, or person whatsoever; or without any hope, expectation, or desire of any such dispensation; and without thinking, or believing, that I am, or can be acquitted before God and man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power, or authority whatsoever, should dispense with, or take upon him, or them to dispense with, or annul the same, or declare that it was, or is, or ought so be null, or void, in part or in the whole from the beginning, or otherwise howsoever.

“ Having made this declaration and protestation in the most plain terms that I can possibly imagine to express my sincere loyalty and innocency, and the clear intention of my soul, I leave it to the judgment of all good and charitable persons whether they will believe what is here in this

manner affirmed, and sworn by me in my present circumstances, or what is sworn by my accusers. I do further declare, that I die a member (though an unworthy one) of that holy catholic and apostolic church of Christ, mentioned in the three holy and public creeds of which church our Lord Jesus Christ is the invisible head of influence, to illuminate, guide, protect, and govern it by his holy spirit and grace, and of which church the bishop of Rome, as the successor of St. Peter, the prince of the apostles, is the visible head of government and unity. I take it to be clear, that my religion is the sole cause which moved my accusers to charge me with the crime, for which upon their evidence I am adjudged to die, and that my being of that religion which I here profess, was the only ground which could give them any hope to be believed, or which could move my jury to believe the evidence of such men. I have had not only a pardon, but also great advantages, as to preferments and estates offered me, since this judgment was against me, in case I would have forsaken my religion, and owned myself guilty of the crime charged against me, and charged the same crimes upon others; but blessed be my God, who by his grace hath preserved me from yielding to these temptations, and strengthened me rather to choose this death, than to stain my soul with sin, and to charge others, against truth, with crimes of which I do not know that any person is guilty. Having said what concerns me to say as to myself, I now humbly beseech God to bless the king's majesty with all temporal and eternal blessings, and to preserve him and his government from all treasons and traitors whatsoever, and that his majesty may never fall into such hands, as his royal father of glorious memory fell into. I also humbly beseech thee, O God, to give true repentance and pardon to all my enemies, and most particularly to the said Mr. Oates and Mr. Bedloe, and to all who have been any ways accessory to the taking away of my life, and the shedding of my innocent blood, or to the preventing the king's mercy from being extended unto me; and likewise to all those who rejoiced at the judgment given against me, or at the execution of the said judgment; and to all those who are or shall be so unchristianly uncharitable, as to disbelieve, and to refuse to give credit unto my now protestations. And I beseech thee, O my God, to bless this whole nation, and not to lay the guilt of my blood unto the charge of this nation, or of any other particular person or persons of this nation. Unite them all, O my God, unto thee and thy church, by true faith, hope, and charity, for thy mercies' sake. And for all those who have shewed charity to me, I humbly beg, O my Jesus, that thou wilt reward them with all blessings both temporal and eternal."

These words, says Echard, so affected an eminent city divine, since in the highest station, that he said, "Either this man must be innocent, or the most superlative villian that ever trod the earth." But all that he, or the others could say, the historian further observes, could gain no credit at this time, it being a *general* belief, that they thought it lawful to utter the greatest falsehoods and lies, in favour of their religion and cause.

CHAPTER VIII.

Proceedings of the Council—Parliament dissolved—New Elections—Trial of sir George Wakeman, Marshall, Corker, and Rumley—Substance of the depositions of Oates and Bedloe—Defence of the Prisoners—their acquittal, &c. &c.

THESE sharp proceedings, writes Echard, on the late trials, were no ways grateful to the king, nor to a considerable part of the new council, who were busily employed in making way for a calmer and better tempered session of parliament, after the short prorogation which had been made. Yet as to the plot, continues the same historian, the lord Halifax expressly declared to his three associates, "that that *must* be handled as if it were true, *whether it were so or not*, especially in those points that were so generally believed by city or country, as well as both houses."—The king, however, finding that the disposition of the parliament was not likely to be mended, resolved, contrary to the opinion of the majority of the council, to dissolve it, and call another, which was accordingly done, and the 17th of October was the day appointed for its assembling. When the determination of the king was announced, the council broke up in the greatest rage, particularly on the part of lords Shaftesbury and Russell. The king entertained some hopes that the people, upon reflecting on the danger of the country being involved in an intestine war and other national calamities, would proceed with more caution, and choose men of cooler tempers than hitherto they had done. But his majesty should found himself mistaken; and the common people, who generally follow as they are led, were persuaded to believe the parliament was prorogued and dissolved, only to prevent the trials of the popish lords; though only the commons had obstructed it, and refused to appear against them, when they were brought to the lords' bar. The leaders of the country or Shaftesbury's party, encreased the noise of *popery*, *French pensioners*, and *arbitrary government*; and besides these general charges, took special advantage of two things that occurred in the last parliament: The first was the *Exclusion Bill*, which was made a kind of test, and all

those members who voted against it; were marked as favourers of popery, if not downright papists, while those who supported it were applauded as men not to be bought, enemies to the court and ministers, and true friends to the protestant religion and their country. All this, says the historian, was done, as they alledged, for the advancement of his majesty's service, and the increasing the love of his people towards him. But the king, being of another opinion, would not permit them to come together so soon as was intended.

In the midst of these heats, continues Echard, they brought on the trial of sir George Wakeman, physician to the queen, together with William Marshall and James Corker, two benedictine monks, and William Rumley, a lay brother of that order; who, on the 18th of July, 1679, were all arraigned for high treason at the Old Bailey, before the lord chief justice Scroggs, and other judges. In the opening of the trial, to prove the plot in general, there appeared Mr. Dugdale and Mr. Prance, and one Mr. Jennison, a new evidence and discoverer, of whom the principal business of the last was to prove, that father Ireland was in London in the month of June, 1678, contrary to what he had protested at his execution. Against sir George Wakeman in particular, Dr. Oates, as he was then called, swore:—1. That the prisoner, in the month of July, 1678, sending a letter to Ashby, a jesuit, of instruction, how he should order himself before he went to, and at the bath, whither he was going; did afterwards in the same letter write, that the queen would assist him to poison the king; and knew it to be his hand, because, some two days after, he saw sir George at Ashby's lodging sitting in a writing posture, and then lay by his pen, and rose up; and going away, left behind him a written paper, wet with the ink, purporting to be a bill to an apothecary; and the hand of this paper so left by sir George, was the same with that of the forementioned letter to Ashby. 2. That at the same time, Mr. Ashby did give sir George some instructions concerning the patent or commission he had received, of being physician to the army; and that the witness did see the said commission in sir George's hands. 3. That a few days after, father Harcourt and four jesuits went to attend the queen at Somerset-house; and while they were in a chamber, and the witness waiting without, he heard a woman's voice, saying, she would not endure those violations of her bed any longer, and that she would assist sir George Wakeman in poisoning the king; and that he was afterwards admitted in, where he saw no other woman there but the queen; and that he heard the same person ask Harcourt, if he had received the last ten thousand pounds. 4. That in the same month, ten thousand pounds

was proposed to sir George to poison the king, by Ashby, at his lodgings in Wild-house, in the presence of Harcourt, Ireland, and the witness; but at that time he refused it, saying, it was too little for so great a work. 5. He heard that five thousand more was offered afterwards and accepted; and positively swore, he himself had seen in the jesuits's entry book, an entry thereof, in these or the like words:—Memorand. Such a day of August, fifteen thousand pounds was proposed sir George Wakeman, which he accepted; which was Harcourt's hand; and under it was a receipt to this effect:—Received five thousand pounds, in part of this fifteen thousand pounds, of father Harcourt, by order of Edward Coleman, by me George Wakeman, which last words were the same hand and character with that letter to Ashby, and the bill to the apothecary, which the witness had seen before.

The next witness was captain Bedloe, who swore, that about the beginning of August, 1678, being at father Harcourt's chamber, sir George Wakeman came in discontented, and asked, why he was drilled on in a concern of that importance, and slighted? and said, he knew not whether he should go on or no. But Harcourt asked him what he would have; they were ready for him; and then fetched a bill and gave him, which he said he received that day by the queen's order, and that it was on such a goldsmith for two thousand pounds. Upon which sir George said, "Tis well somebody gives me encouragement: I have more encouragement from my good lady and mistress than from any of you." "Nay," replied Harcourt to him, "for encouragement, that you shall not want, for the rest shall be paid in due time. But, sir George," continued he, "this must be well followed, because so much depends upon it; for if we should miss to kill him at Windsor, or you miss in your way, we will do it at Newmarket." Which words were twice repeated by Bedloe. Upon which sir George said privately to his fellow-prisoners, "There is my business done."

As to the other prisoners, Corker, Marshall, and Rumley, Oates swore that they all knew of the design of killing the king; for that they did both of them in his hearing express their dislike, not of the treason, but of one of the persons chosen to do it, saying that Pickering was no fit person for that service, because being commonly attendant on the altar, he might thereby miss of an opportunity; and therefore they declared their opinion, that a mere layman would be more proper. He farther deposed, that Marshall went half way with Conyers, who laid a wager, that the king should eat no more Christmas pies; and that both of them were privy and consenting to the consult of the benedictines, for raising 6000*l.* for carrying on the design; and

that Corker, though he was not present, but at Lambspring, in Germany, sent a letter to signify his consent, which was necessary, *because he was their president*; and farther, that Corker had a patent from the pope to be bishop of London, which witness said he saw in his hands, and was told by him, that he hoped it would not be long before he exercised his episcopal functions. Lastly, Oates deposed that Marshall was present at another consult on the 21st of August, where agreed to the sending of commissions into Ireland to raise forces there, and to the poisoning of the duke of Ormond.

Bedloe swore, that though he never heard any thing from Corker that did positively relate to the murder of the king, yet he had heard him talk much of the design, and carrying it on, about raising an army, what interest he had in the people, what letters they had received from beyond the seas, and how forward they were in their proceedings here. And as to Marshall, he swore that he used to carry letters to and fro concerning the plot, amongst the conspirators, and that he knew what was the effect of such letters, and the answers, being one of the club and consult that saw all; and in particular, Bedloe swore, that he carried a letter from the English monks to la Chaise at Paris, wherein they acquainted him that all things were in readiness within a year or two, to put the design in practice, and subvert the oppression and tyranny which the Catholics were under in England, &c. and when he brought back an answer thereto, Mr. Marshall carried a copy of it to sir Francis Ratcliffe.

The same infamous partiality in the judges, and the same indecent insolence in the witnesses towards the prisoners were exhibited on this trial as on the former ones, particularly during the cross examinations of Oates and Bedloe by the accused.—Marshall questioning Oates as to the month in which the consult was held? the latter replied it was in August.—*Marshall*. But what day of August?—*Oates*. 'Tis a great privilege that I tell you the month. It was between the first and middle of August.—*L. C. J.* He tells you it was the former part; but, it lies in *his breast* whether he will or not tell you the exact day.—*Marshall*. My lord, 'tis impossible to make a defence, if circumstances of time and place be not mentioned.—*L. C. J.* 'Tis fit he should answer if he can tell the time, but if he cannot, *we can't help it*.—Bedloe in the course of his examination was asked by sir George Wakeman, what day it was that he had the discourse with Harcourt, and received the bill from him as stated by the witness? The latter replied, "You ask me a question as if I were in the state I was formerly in, when I might have an indulgence for telling a lye. No, I have no delight to damn my soul to make you a martyr; but to satis-

fy you as well as I can, I say it was the beginning, or part of the beginning; I do not speak to a day."

Sir George in his defence alledged, 1st. As to Oates's evidence concerning the letter to Ashby, he brought an apothecary, who produced a piece of a letter of directions to Ashby, sent from sir George, and said he had read it all, and that there was no mention of the king or queen. And when Oates pretended that that was not the letter he saw, the prisoner argued how improbable it was he should write two letters about the same thing. 2. His next exception to Oates's testimony was, that before the house of lords he should say, that he thought the forementioned letter to be Wakeman's writing, only because it was subscribed George Wakeman; but Oates gave another account of those words, to the best of his remembrance. 3. That Oates did not charge sir George so fully before the king and council, but rather denied that he knew any thing against him, but what he had seen in other people's letters: and to this purpose sir Philip Lloyd testified, that Oates did then say, He had seen a letter from Whitebread to Fenwick, that sir George was to poison the king, &c. and that sir George did then carry himself, as if he were not concerned at the accusation, and that Oates being called in again, and asked whether he knew any more against him, he lifted up his hands, and said, "No, God forbid I should say any thing against sir George Wakeman, for I know nothing more against him." Oates's reply to this difficulty, was, that he was then so weak and weary with watching, and hurrying up and down, that he was not in a condition to make answers. As to Bedloe's evidence, sir George insisted how improbable it was to make him privy to so great a secret, who was a meer stranger; and further, he solemnly swore, he never saw Bedloe before in his life.—Sir George further gave a relation of his examination before the king and council in the following words:—"My lord, I will give you a brief account of it; I leave it to you, whether I behaved myself ill or no; I confess, I think I might have behaved myself more submissively; there was nothing of duty wanting in my mind, but I will give you an account of what I said, verbatim. My lord chancellor told me, that I was accused of the blackest of crimes; that I had undertaken to poison the king. I asked him who was my accuser, he pointed to Mr. Oates, and told me Mr. Oates was my accuser. Says I, Mr. Oates, do you know me? Did you ever see me before? Mr. Oates said no. Why then said I, how come you to be my accuser. Said he, I will tell you, I was at St. Omers, where there was a consult of the jesuits, at which Mr. Ashby, the rector of the college at St. Omers, did preside; and in that consult it was debated who was the fittest person for that horrid un-

dertaking of poisoning the king, and unanimously it was agreed upon that consult, that you were; sir George Wakeman by name: and now he says it was debated here in England. Then, my lord, said I to my lord chancellor, here is no proof, therefore I hope there is no need of any defence. Said he, there is no smoke but there is some fire. My lord, said, if you understand by that, there can be no accusation without some guilt, I should be sorry I should not understand both sacred and profane history, better than to think so. Then he pressed me to know what I could say for myself. Said I, my lord, I come of a loyal family, my father hath suffered very much to the value of eighteen thousand pounds and more for the royal family. My brother raised a troop of horse for the king, and served him from the beginning of the war to the end. He was major to the marquis of Worcester, at Worcester fight, and lost his life by the wounds he had received in the king's service. As for my own part, said I, I travelled very young, and came over when Ireton was lord mayor, and both by my religion and my name, was suspected to be a favourer of the royal party, and therefore was imprisoned, and did not come out till I had given great security: and the second time I was committed, was, when I entered into a plot, the only plot I was guilty of, I conspired with captain Lucy, and several others to attempt something for his majesty's restoration, when few durst appear for him. I was seized on in my bed; there were several arms found in my apothecary's cellar, and we were both committed to prison; and we should both have suffered death certainly if his majesty's happy restoration had not prevented it. When my lord pressed me still to say what I could say for myself, as to what was charged on me; I told him, my lord, I am under the most foul and false accusation that ever an innocent gentleman was, and I expect reparation; and upon that they were offended, and I was bid to withdraw. And I added this beside, my lord, that there was not a family in England that was so much instrumental in his majesty's restoration as that family was; that colonel Charles Gifford was my near kinsman, so was colonel Carlos; and that the Pendrels were menial servants to the family, and I hope they deserve some favour.

L. C. J.—What have you to say, sir George, in your present defence here. Make what observations you will now, upon the testimony which hath been given against you.

Sir G. Wakeman.—My lord, I say this, if it had been allowed me, to make use of the records of the house of lords, it would have made all things so evident and clear, as nothing can be more; for then, when he was called to that bar, to give an account what he had declared to the

house of commons concerning me, he gave an account of this letter.

Mr. J. Pemberton.—Sir George, you must not make mention any more of these things, that could not be given in evidence.

Sir G. Wakeman.—Then, my lord, I have no more to say.

The other prisoners were then called upon for their defence, which was conducted as follows:—

L. C. J.—What say you, Mr. Corker?

Corker.—My lord, I hope the court will not require that I should bring any particular evidence in confutation of what is here alleged against me; for, before I came to this bar, I did not know any particular accusation that was against me; and therefore I could not be ready to answer it, and make my defence, or bring particular witnesses to evidence and shew my innocency. Besides, my lord, it is a known general maxim, that a positive assertion is as easy to be made, as to prove a negative is oft times hard, if not impossible. Men may easily devise crimes, and frame accusations against innocent men in such a manner, that the contrary cannot possibly be demonstrated. No mortal man can tell where he was, and what he did and said, every day and hour of his whole life. Therefore I think 'tis not only positive bare swearing, but 'tis probable swearing, that must render a man guilty of a crime. Otherwise, my lord, it would be lawful, and in the power of Oates and his companions here, to hang by turns, upon bare oath, all the innocent men in the whole nation, though never so innocent, and that for crimes never so ridiculous and absurd. And I say this further, he that swears against another, first ought to be himself a credible witness. And then, secondly, strengthened by probable circumstances; circumstances that bring along with them some probable evidence distinct from the witnesses themselves; otherwise, I think, that the party accused, without any proof of his side, ought to remain in the possession of his own innocency. Now, I think, my lord, there will be never any one of these two necessary conditions to be found in the evidence against me; for first, the witnesses against me are persons that are, or at least formerly have been, of scandalous lives.

L. C. J.—You should prove it, before you say it. You shall have all things allowed you that are fit; but you must not heap up contumelies upon men unproved, or call men names, when you have proved nothing against them. If you can prove any thing, of God's name do it; prove them as fully as you can.

Corker.—I do only say this, they have been reported, and owned by themselves, as men that have been of scandalous lives.

L. C. J.—If the jury know it of their own knowledge, I leave it to them; but you have proved nothing.

Corker.—Well, my lord, but then in the next place, neither will the positive oaths of men formerly infamous, be any convincing arguments of our guilt. And then next, as to the other circumstances that should render me guilty, Mr. Oates does not here make me guilty alone of this grand conspiracy, but he involves the nobility, gentry, and the whole body of the Catholics in this treason. Now, my lord, I refer it to the judgment of the court, whether so many persons as he names, and those of such eminent quality, and of such considerable estates in their countries, persons settled under so good a king, in so peaceable a kingdom, so quiet in condition, men of good virtuous lives and unblemished conversations, before this hour, should hazard their honours, their lives, their families, their bodies, their souls, their all, in such a design.

L. C. J.—What is this to your case?

Corker.—My lord, if this be not probable, I hope I am free of the plot.

L. C. J.—But what is this to your case? Pray hear: you are now making a speech against Mr. Oates and Mr. Bedloe, that they do accuse people of great honour and quality; he hath given no accusation against any as yet that you are to take notice of. You ought to make use of nothing as an argument to the jury, but of the evidence that hath been given to the jury. If you can make use of any thing that Mr. Oates or Mr. Bedloe hath said here, to contradict them, or invalidate their testimony, you have said well. But to talk of such a story of accusing noblemen, and such like, when there is nothing of that before you; you must first prove what you would infer from.

Corker.—My lord, this I take to be of very great concern to myself, that since the truth of this evidence does depend upon the certainty of the plot, and this pretended conspiracy against his sacred majesty; if there be no such plot and conspiracy, and if by circumstances I can render it improbable, I hope the jury will take it into consideration.

L. C. J.—Ay, ay, I am of that opinion; if thou canst but satisfy us and the jury, that there is no plot, thou shalt be quitted by my consent.

Corker.—I will, my lord, shew you the improbability of it.

L. C. J.—Ay, do but give us one probable argument, (you being a learned man and a priest) why we should believe there is no plot.

Corker.—My lord, I would have endeavoured to have shewn you the improbability of it, but yet I would not urge it, because it may not be so grateful to your lordship. But

to me 'tis not probable, that so many honourable and virtuous persons should be involved in a plot so dangerous, so horrid and detestable in itself; wherein, my lord, as he says, so many thousands of people, and even a whole nation were to be overwhelmed: of which, if a discovery had been made by any person, it would have prevented the utter ruin of so many millions. 'Tis not rational or probable, that such vast whole armies should be raised, and foreign nations concerned in the plot. All which, notwithstanding all the evidence that can be made out of this plot, is but only their positive swearing.

L. C. J.—Just now you made your objection, that it was a strange thing that such a design should be communicated to so many; now you make it a wonder, why so few should know it, only Oates and Bedloe. Your argument before was, that it was a wonderful thing, that so great a concern should be communicated to any one; and now you wonder more, that none should know it but they too.

Corker.—Therefore, my lord, I from thence argue thus; that since there is no other evidence, nor further proof of it than from Mr. Oates and Mr. Bedloe, I infer there is no such thing at all.

L. C. J.—Yes, as for your army, there is more than so; do you remember what Mr. Dugdale and what Mr. Prance say?

Corker.—Yes, my lord, considering these persons, what they are, their vile oaths, and the encouragement they have met with, by such endearments and caresses, as they have found, their credit is not much to be weighed. Now, my lord, I apply to the accusation that is against myself.

L. C. J.—Ay, ay, that is your best way, for it would have been a hard task for you to prove that there was no plot. We were in great expectation what arguments you would bring us for it.

Sir G. Wakeman.—My lord, will you give me leave to observe one thing more to your lordship, and the court; Mr. Oates does mention in his narrative of at least thirty or forty pages, and all this upon oath (so he saith in the end of his narrative) but I would observe, that there is not a letter dated in France or in the Low Countries, or received here, but he swears positively as to the date of it, and reception of it; but now, when he comes to mention any thing wherein a man's life is concerned, he will not tie up himself to a month.

L. C. J.—Yes, he does, and to part of a month. He tells you it was the beginning, or middle, or latter end; and he speaks punctually as to the twenty-first of August.

Sir G. Wakeman.—But in all his whole narrative, he speaks to a day.

Mr. Recorder.—As my lord says, he speaks punctually to the twenty first of August. And as to the letters, he took the date of them in his memorial.

Corker.—My lord I would only take notice, that at the first, Mr. Oates thought to take advantage of some words of mine at my examination; he told you, that I had gone into France, but that I denied it when I was examined before the justice of peace. My lord, I deny all this; for the justice of peace examined me where I had lived.—

L. C. J.—We have nothing of this matter here before us.

Mr. J. Pemberton.—You are to answer what he says now.

Corker.—'Tis what Mr. Oates says now, for I knew nothing of it till now. Now, my lord, as to that, I say, I did not deny it before the justice of peace that examined me; for I told him, I lived with a certain lady twelve years, till she died; and during that time, I never was beyond the sea but once, which was five years since, for the cure of a quartane ague that I had, and I went over to France; otherwise, during all that time that I was with my lady, I did not go beyond sea. Upon this, the justice began to ask me other questions; whereupon, my lord, I recollected myself, and said, sir, I told you I had not been beyond sea during the time I had been with my lady, but that time, five years since; but my lady being dead, I went over last summer, in August, to perfect the cure of that ague; for I had it seven years, spring and fall. And this I told him of myself, without asking. The last summer I went over, and there I staid till two days before September; therefore I did commit no mistakes in what I said, or used any cloke to cover it. Now, my lord, he says, I went to Lamspring, which is in the farther end of Germany.

L. C. J.—He says, you said so.

Corker.—Pray ask him how he knows it; he says, by my letters: sure if this man were privy to those great conspiracies which he charges me to be a partner in, it is not probable but that I should tell him where I went; and then if I did tell him so, I must go thither and back again in six weeks time, which was morally impossible to do, to go thither and to return; for, I was but six weeks out of town.

L. C. J.—How you argue, sir? He says, you told him you went to Lamspring; say you, certainly I would tell true, because he was engaged with me in conspiracies; but this can't be true, because of the length of the way. Is this a way of arguing? may not you tell him, you go to one place, and indeed go to another?

Corker.—What reason or motive had I to tell him a lie?

L. C. J.—It is a hard matter for us to give an account of jesuits' answers, even one to another.

Corker.—I am not a jesuit, I won't say the least untruth to save my life. Then as my being president (as he calls it) of the congregation; all the congregation, and all that know us, know that Stapleton (formerly chaplain to the queen) is, and hath been, for twelve years, president of that order. And I am confident that all catholics, and most of the court, do likewise know it to be true; and by consequence, it is likewise untrue, that there was an agreement made by the jesuits and benedictine monks, when I was at Paris, to which I was not privy, but could not go on till I was acquainted with it, and consented to it. Now, my lord, if I be not president of that order, that must be a flam and a story.

L. C. J.—You say that, prove who is.

Corker.—Mr. Stapleton was, as 'tis well known.

L. C. J.—Call who you will to prove it, if you can.

Corker.—Here is one of the lay-brothers of the order.

L. C. J.—Who is that?

Corker.—Mr. Rumley here.

L. C. J.—He cannot be a witness for you or against you at this trial.

Corker.—My lord, since I did not know of it before, I could not bring any body.

L. C. J.—You put it upon yourselves.

Corker.—My lord, I say then I never was at any consult where any such sum of money was proposed or agreed, nor was it requisite or necessary that I should be so much privy to it, for I was not superior of the order, nor president of it, by reason of which my consent should be necessary, or any such letter be writ to me, or any such received from me. And then, my lord, secondly, I must take notice again, he accuses me of being bishop of London, and that I did consent to this agreement of paying so many thousand pounds; if I were guilty of this, and likewise of contriving the king's death, and especially consenting to Pickering's murder of the king, when that Pickering was taken I should have been taken too, or I knowing myself guilty, should have fled.

L. C. J.—You excepted against Pickering, and thought him not a convenient man, because he was one of your order.

Corker.—I hope he does not positively say I consented to the king's death; he says indeed I knew something of it, now I was near him when he was taken. All the officers that came to take Mr. Pickering, came to my chamber. Mr. Oates says he was there at the taking of Pickering; if I were guilty of all these things, being supe-

rior and master to this Pickering, it is a strange thing that he should neither know me nor own me, nor accuse me, nor take me, nor apprehend me until almost a month after; all which time I had my liberty; but then taken notice of my going down there; and having further information of me that I had lodged there, he took me into his catalogue of bishops, and he came to take me. But if I had been guilty of these heinous things, there is no reason but they should have apprehended and taken me when Pickering, and Grove, and Ireland, and sir George Wakeman were taken.

L. C. J.—I will tell you what for that: if you were now arraigned for being a priest, you might well make use of that argument, that when they took Pickering and Grove, if they knew you to have been a priest, they should have taken you too, and yet for all that you were a priest, you could not have denied it. But would it have been an argument, because you were not then taken, you were not so? So you might be in the plot and not be taken, and 'tis no argument from your not being taken, that you were not.

Corker.—I say, my lord, if he came to discover the plotters, it had been his duty to have taken me before, if I had been one in the plot.

L. C. J.—So it had been his duty to have taken you as a priest.

Corker.—But I was, as he says, equal in the same crime with Pickering, and therefore he should have taken me when he took him.

L. C. J.—Have you any thing more?

Corker.—Besides, my lord, I find he undertook to tell the names of all those that were engaged in this conspiracy, but among them all my name is not, therefore 'tis a new invention of his.

L. C. J.—That is not said here, you go off from what is said here.

L. C. J. North.—Can you prove that? then first do it, and then first make your observations upon it, if you can prove what he said before the lords, by witnesses; but otherwise you must not discourse upon what you have not proved.

L. C. J.—Here is nothing of that before this jury.

Corker.—I cannot prove it otherwise than by the record. I desire it may be looked upon, and I refer to the consideration of the jury, whether if he did say he did not know any thing else of any man whatsoever, but what he had then declared, and I am not there accused; whether this accusation be now to be believed?

L. C. J.—That hath been answered already.

Mr. J. Dolben.—But it is not proved by them.

Corker.—I leave it to the jury, whether they will believe it or no.

L. C. J.—You say well, if you refer it to the jury, let them consider it.

Corker.—I say they ought to take it into their consideration, they are not rashly to give a verdict against me; and gentlemen I believe I may refer it to your consciences, whether you do not know what I say to be true in this business?

L. C. J.—Mr. Marshall what say you to it?

Marshall.—Truly, my lord, what I have to say for myself is this. About a month ago I was told the time of my trial was at hand, and being then full of good hope, I did endeavour to provide for it, and I had a great confidence, my lord, that it would succeed; but truly, upon the ill success of the late trials, either my hope or my heart failed me, and I did resolve to cast myself upon God and his providence, and however my silence might have been interpreted, I did resolve with silence and submission to resign up myself to whatsoever your lordship and the worthy jury should be pleased to decree upon me. But, my lord, since your lordship is pleased to fling forth some encouragement, and to hang out the white flag of hope, for your lordship hath been pleased to use many gracious expressions, and so, my lord, upon this I shall, contrary to my former determination, now endeavour to make my defence for my life as well as I can: But, my lord, not being so well able to do it, or of so quick capacity as that learned and wise council which we have here of counsel for us, to wit, the honourable bench of judges; for, upon inquiry why by law we were allowed no counsel, I was told that the whole bench of judges were always of counsel for the prisoner, and indeed they look upon it as an obligation upon them as far as truth and justice will permit them to plead for us. Now, my lord, with an humble heart I would suggest some heads of defence to this learned, wise, and honourable council, and leave it to them to manage my cause for me according to truth and justice, which they are better able to do for me than I for myself. My lord, I have, I thank God, no spleen nor hatred in my heart against the worst of my enemies, nor shall be desirous of revenge, I leave them and their proceedings to God; neither am I willing to charge Mr. Oates and Mr. Bedloe with worse than the necessity of my defence will occasion me to say of them. Now, my lord, the best of men may be mistaken in a person, and if I prove Mr. Oates is mistaken in the person in me, then I charge Mr. Oates with no great crime, and yet make my own defence. Now, my lord, I offer these things for that defence, and I hope your lordship will appear my great advocate, and what I suggest in a few heads, you will, I hope, put it into a me-

thod, and manage it better than I can myself. My lord, when I was first brought before Mr. Oates (as truly all that were with me do know) I carried myself with a great deal of courage and confidence, for I was certain that he did not know me, and I did believe it would be only my trouble of going thither and coming back again.

L. C. J.—To go whither?

Marshall.—To Westminster. And pray take notice of this: When I was first apprehended I was never sought for, nor named as a traitor in this business; but coming accidentally into a house to ask for one where they were actually searching, though I saw the constable at the door, and lights in the house, yet I went in, and asked if such an one was within. I think this confidence will not rationally suppose me guilty, the house being under suspicion.

L. C. J.—Here is no proof of all this.

Marshall.—All that were there know it: Sir William Waller who took me knows it.

L. C. J.—Sir William Waller, is this so?

Sir William Waller.—My lord, when I came to search the house, I placed one at the door, and him I ordered to let whoever would come in, but no person whatsoever go out. When I was searching, this person comes and knocks at the door, but did not know, I suppose, of any person searching in the house; for when the door was opened, and he let in and understood it, he presently endeavoured to get away again.

Marshall.—By your favour, my lord, I am very loth to contradict what sir William Waller says in any thing; I would willingly believe him a just person that would say nothing but the truth; but God Almighty is my witness that I never knocked, the door was open, and I came in of my own accord, both at the first and the second door: this the constable will testify.

L. C. J.—And you would not have gone away again if you could, would you?

Marshall.—I will give you better proof of it: While they were searching in an interior room (and this is well known by them all that were there) I was in an outward room by myself, this sir William Waller knows, and when they came back and found me there, the constable and the rest wondered I was not gone. I was left alone by the door by myself, the outward door I found open, and there is another door which leads out into an alley, which any man can open in three minutes time, and I know how to do it. Now I could not learn it since I was taken, for I have not been permitted to go abroad, but been under close confinement. But if it be worth the while, and you will give

me leave to go there, I can shew you how 'tis opened in less time than I can speak three words.

L. C. J.—Would you have the jury stay here while you go and shew us the door? If you have any witnesses to prove it, call them. Come to the purpose, man.

Marshall.—My lord, I say, if it were worth the while, that it might be made appear, that if I would go away I could, but I did not get away, but stayed with a great deal of confidence, my lord; therefore I urge this to the point, that Mr. Oates is mistaken. After I had been there a while before Mr. Oates, sir William Waller wished me to withdraw, and after I had been absent a while and came back again, sir William Waller wished me to pluck off my perriwig, and turn my back to him and Mr. Oates: I did not then well understand the meaning of it. But afterwards sir William Waller, out of his great civility, came to see me at the gate-house, and brought with him two very worthy persons, sir Philip Mathews and sir John Cutler. Sir Philip Mathews, upon discourse, hearing me declare, that Mr. Oates was a perfect stranger to me, said, that Mr. Oates in testimony that he knew me, had given such a mark behind in my head. I told sir Philip Mathews, if he pleased to pluck off my perriwig, he would see whether there was any such mark or no; but he being an extraordinary civil person, told me he would not give me the trouble. I desire Mr. Oates to declare now before-hand, what that mark was behind my head, and if there be such a mark, 'tis some evidence that his testimony is true; but if there be no such, then it will appear to this honourable court and the jury, that he did not know me, but was mistaken in the man.

L. C. J.—I suppose he does not know you so much by the mark behind your head, as that in your forehead.

Marshall.—But why did he then speak of the mark behind my head.

Mr. Recorder.—How does that appear, that he did give such a mark?

Sir William Waller.—I shall give your lordship a short account what was done: When I brought him to Mr. Oates, I did desire indeed to see his perriwig off, to see if there were any appearance of a shaven crown. After that I had done that, I caused him to withdraw till I had taken Mr. Oates's examination upon oath, and after I had taken that, I desired him to come in again, and I read it to him and taxed him with it, to which he gave a general denial to every particular, and thereupon I committed him to the gate-house.

L. C. J.—What is this to the business of the mark?

Sir William Waller.—I do not know of any mark; but this

I do know, that as soon as ever he came in, Mr. Oates called him by his name.

Marshall.—I desire sir Philip Mathews may be called.

Mr. Recorder.—He is not here, what would you have with him?

Marshall.—To ask if he did not know in particular, that the mark was such a spot behind my head. Hath he not been here to day?

Mr. Recorder.—I can't tell that.

L. C. J.—But he called you by your name before ever you plucked off your perriwig, so saith sir William Waller.

Marshall.—That which I was to shew, if I could, and truly all my defence lies upon it, is, that Mr. Oates is a perfect stranger to me, and consequently hath nothing against me. Now, if Mr. Oates did give a false mark to know me by, and there is no such mark, I think 'tis a proof that he is mistaken.

L. C. J.—Sir William Waller says the contrary, he called you by your name, and there was no mark mentioned: but if you will suppose what you please, you may conclude what you list.

Marshall.—Sir William Waller plucked off my perriwig, and bid me turn my back to him.

L. C. J.—That was to see whether you were shaven or no.

Marshall.—Sir William Waller had not so little knowledge as to think that the priests go shaven here in England, where 'tis death for them, if they be discovered. Besides, my lord, it was put in the common news-books which were dispersed abroad in the country, that it was a white lock behind. Well, if there be any thing of favour or inclination to mercy in the court, I shall find it; but if there be none, it will not succeed, though I spoke ten thousand times over; nay though it were spoken by the tongue of men or angels it would do me no good; therefore I enforce it again to the jury to take notice of, that there was a particular mark given.

L. C. J.—That you have not proved.

Marshall.—My lord, I would beseech you to take notice of what every man knows, and 'tis against reason to believe that sir William Waller knowing the world so well as he is supposed to do, should think we went with shaven crowns in England.

L. C. J.—And therefore doctor Oates must look for another mark, must he; how does that appear?

Marshall.—All England know that those who go over to any seminary or cloister, never come over again to England till their hair be grown out, that it may be no mark or testimony that they are such persons.

L. C. J.—Do you think all mankind knows that.

Marshal.—All that is rational does.

L. C. J.—Well, you hear what sir William Waller says.

Marshall.—I always looked upon sir William as a very learned upright person, and did rely upon what he should testify for my defence; and he knows when doctor Oates brought in his first testimony against me, I did beg that what he said should be written down by him; said sir William Waller, it shall not be written down, but I will promise you to remember what he says. Now I hope sir William Waller, as an honest and worthy gentleman, will keep his word, and I desire him to do it as he will answer it before God at the great tribunal.

L. C. J.—Ask him what you will. You adjure him, and yet you wont ask him.

Marshall.—Now, my lord, I'll tell you how Mr. Oates came to know my name (which is another proof that he is a stranger to me). When I came first in, I asked Mr. Oates if he knew me, and looking seriously upon me, he asked me what my name was. Now, we knowing no more of a man's thoughts but what his words discover, it may seem by that very question, that Mr. Oates was a perfect stranger to me. Now, when I told him my name was Marshall, he was pleased answer, you are called Marsh. But, my lord, I should consider that which hath been before offered to your lordship, but that I do not much insist upon, that if Mr. Oates had a commission to search for priests and traitors, he was as well bound to tell you I was a priest as a traitor, that is an argument for me I say. If he had a commission to apprehend priests, I conceive if he knew us to be priests, he should; by force of such a commission have seized upon us.

L. C. J.—He needed no commission to do that, he did search to find out traitors.

Marshall.—He heard us particularly named, looks upon us, goes away, denies that he knows us, gives us leave to sleep out our sleep, and if we would to be gone. Therefore 'tis without any likelihood or probability that he had any thing to say against us.

L. C. J.—You have not proved one word of all this.

Marshall.—He owned it himself, that he had searched the Savoy for traitors, and did not take us. I speak this out of his own mouth, therefore it is incredible, and I hope the jury will take notice of it. He was searching for traitors, and knowing me to be a notorious traitor, as he would have me to be, that he should find me in bed, have his majesty's officers with me, and not seize upon me.

Mr. J. Pemberton.—It does not appear to us, you have not proved it.

L. C. J.—Sir William Waller, did he say first do you know me, and then Oates asked his name?

Sir W. Waller.—I speak solemnly as in the presence of God, there was not one word of all this.

Corker.—I beseech you may I speak one word?

L. C. J.—Have you done, Mr. Marshall.

Marshall.—Truly, my lord, I am astonished, I protest and confess before God I am astonished. There is Mr. Gill, the constable, who owned this, and promised to be here to attest it, for there was a dispute about it between Dr. Oates and me: for said I presently, if you took me in bed, and knew me to be a traitor, why did you not seize me; he answered me again expressly before sir William Waller, I had no commission then to seize you: but said I, you acknowledge I was then a conspirator, and such your commission was to seize. You might have declared to the officers you knew me to be a traitor, and have bid them take charge of me: 'tis impossible that you should so well know it and not do it sure.

L. C. J.—Was there any such thing as this sir William Waller.

Sir W. Waller.—Really, my lord, I do not remember any thing of it.

L. C. J.—Mr. Marshall call your witnesses.

Marshall.—Is Mr. Gill the constable here, he owned it. I think I had as good make an end, I may leave it here, for what I shall say I find will be to little purpose.

L. C. J.—You do not prove what you affirm.

Marshall.—My lord, I do not go as Mr. Oates and Mr. Bedloe do, who bring no circumstance of probability or likelihood, they only say they were such a time amongst such and such persons, and such and such things were agreed, but shew no probability of it. But I instance in such things as do carry a probability in themselves, and I name those that were by.

L. C. J.—And have no proof of it in the world. And what you call sir William Waller for, he says the contrary, there was no such thing.

Marshall.—I say, my lord, what he says is to my great astonishment. Do you remember, sir William Waller, this, that Mr. Oates said there, when he was asked if he saw me last summer, I saw you not only in August, but in June and July.

Sir W. Waller.—I remember something of that.

Marshall.—I humbly thank you, sir, for acknowledging that.

L. C. J.—What use do you make of that.

Marshall.—I make use of that. The dispute was so eminent betwixt us that it was impossible to forget it.

L. C. J.—Well, have you done, Mr. Marshall?

Marshall.—No, my lord, though I had as good hold my peace. I could not have witnesses to disprove Mr. Oates in

particulars of time and place, because I could not foresee what time or place he would name. My lord, I had witnesses here at the time of my last trial to prove and swear, if they might be admitted, that I was here neither in June, nor July, or August, but spent some months at a place called Farnborough, in Warwickshire.

L. C. J.—Can you prove this?

Marshall.—I can prove that I had such as would have proved it then. Now, my lord, this is that I say, if the court be inclined to any favour or mercy: life being a thing of such concern, I hope some little stop may be allowed to have some time to bring such people, but if there be no inclination to mercy, it would be the same thing if the proof were here.

L. C. J.—The court will do you all justice here, and that is their mercy.

Marshall.—I am confident I shall have great justice done me, I would not have said one word in my defence if I did not believe so, I took heart by what your lordship had said, and I have already done that which I thought most material for it. I have urged first the false mark that he gave to know me by. And then his taking me in bed, and disowning to know me, besides Mr. Oates hath been positive in his testimony about the 21st of August, I could not now have witnesses to disprove that, because I knew it not before; but I can have several witnesses to prove, that I had then witnesses to prove it, sufficient witnesses from Farnborough, who were sure and certain that I was that very day there, and would instance in some particular reasons why I was there that day. And then these witnesses will swear that I was never from thence for three months, at any distance, but twice, at a neighbour's house, and they can tell the places where I was then.

L. C. J.—You come and tell us what other folks could tell; why have you not them here? Can the jury take notice of this?

Marshall.—I hope you will not throw away my life, when in three days' time I could bring witnesses to prove it.

L. C. J.—Then we must throw away the lives of the jury; for they must be kept fasting all those days till they give in their verdict; for they must be shut up till then.

Marshall.—My lord, with your leave, there have been those that have been upon their trials, and sent back to prison before the jury have given a verdict, and after tried again.

L. C. J. North.—Ay, if they be discharged quite of you.

L. C. J.—I tell you the jury must be kept together close till they give their verdict.

Marshall.—The jury was not kept up when Mr. Whitebread and Mr. Penwick were tried, and they were afterwards tried again.

L. C. J.—The jury were wholly discharged of them.

Marshall.—If you have any regard of my life, you may discharge them of me.

L. C. J.—Truly this is as reasonable as any thing you have offered.

Marshall.—If your lordship believe what I say is true, you throw away my life unless you grant me this time. I should be a very infamous man if I did not prove it then.

L. C. J.—If the jury believe it, I am satisfied.

Marshall.—My lord, I should then come full of shame, if I did not prove what I say; therefore I hope the court will allow me time to prove what I affirm, that that particular day, and the day before, and the day after, I was in the country, and stirred not. And then as to the day before the assumption, which he charges upon me, and the day after, I can bring witnesses to prove I was those three days at another house almost fifty miles off London: so there is nothing in all that is said against me by Mr. Oates which comes to be determinative and positive in his testimony, but I can disprove it, if time be allowed me; but if that cannot, I can bring such proof as can testify, that I had before those that could evidence it.

Corker.—I told your lordship, I think, that the constables and other persons that came there to take Pickering, said they knew nothing of me, and had nothing to say to me.—Your lordship tells me this I ought to prove. I must confess I could not expect that, when there were so many, a hundred people at least, that all those people coming in I should be put to prove it. But here is a servant that was in the house then that will tell you the same, that will attest they said they had nothing to say to me.

Mr. J. Pemberton.—Call any of your witnesses that you have.

Mr. J. Dolben.—Mr. Corker, you remember that the last time you were here at the bar, you desired time because you had not your witnesses: it is now above a month ago, and therefore you have no reason to say your witnesses are not ready. Let us see them, that we may see you did not abuse us.

Mr. Recorder.—Who were the persons that were then at Tunbridge?

Corker.—I tell you sincerely, my lord, I did not know what they would say, but then I did take notice when my accusation was read against me, that there was a time mentioned of the 24th of April, that I conspired the killing of the king.—Now I could prove the contrary of that I thought; for I did remember, and so my friends know very well, that always in the spring time I go once or twice most commonly about 30 miles out of town to take the air. So, my lord, from that ob-

servation I did really believe I was actually there at that time, and from this belief I did then tell your lordship that I thought I could bring witnesses that would prove I was at that place then. According to your lordship's order, I sent for the gentlewoman that kept the house, and she coming up, I asked her, Mistress, says I, can you tell when I was at Tunbridge? Said she, I believe you were there about or near April. But that is not the thing, said I, I ask you; can you positively say that it was either before or after the 24th. Can you give me any determinate circumstance of it. She could not swear, nor durst say what day I was there exactly. Then, said I, go back again; for I resolved to die in my innocence without proof, rather than my witnesses should speak what was false or doubtful.

Mrs. Ellen Rigby was here examined, who testified that Mr. Corker and Mr. Marshall were both in the Savoy, and in bed when Mr. Pickering was taken; and that she told Oates and the officers that the two former were there, but they answered they had nothing to do with any but Mr. Pickering. She also deposed, in contradiction to Oates's testimony, that Mr. Stapleton was the president of the benedictines, and not Mr. Corker, and that he had been so for some time. And she farther declared, that Oates came to the Savoy begging charity of Mr. Pickering at the very time when Oates stated he was employed to carry on the conspiracy, and that Mr. Pickering desired her to shut the door, and never let him come in again. The evidence of Mrs. Rigby was further corroborated as to Mr. Stapleton's being president of the benedictines, by Mrs. Sheldon and Mrs. Broadhead. Mr. Sumner was also produced by Marshall to prove that he had witnesses ready at the last sessions, when he expected to have been tried, who were ready to swear that he (Marshall) was at Farnborough at the time Oates said he was at the consult at the Savoy. This witness was objected to by the court, but nevertheless he was asked the question, whether he was sent down to fetch the witnesses, which he answering in the affirmative, the following observations took place:

L. C. J.—Why are they not here? The last sessions was adjourned particularly to a certain day, and you knew when you were to be tried.

Mr. Recorder.—For this very reason, that all might take notice of it, it was adjourned to the 16th day at this place.

Marshall.—Your lordship does suppose we have a better purse than we have. Would you have them leave their employments, and come up, and be at great charges? It is not in the capacity of every one to endure it?

L. C. J.—What would you have us do in this case?

Marshall.—What is but reasonable; give me but three or four days' time, and I can have my witnesses up.

Mr. J. Dolben.—I pray ask them whether they were not told of the time of their trial?

L. C. J.—Why did not you send for them before, when you knew what day it was to be?

Mr. J. Dolben.—You knew as much before as you do now. If you did not, why did you send for them up for then, more than now?

Corker.—There was no certainty at all of the time when we should be tried. We were told it was near, but not the very day. Some said the 12th, some the 14th, some the 16th; some not at all.

Mr. Recorder.—You must not say so; for notice was publicly given here, that it should not be till the 16th, and the sessions was adjourned till then.

Marshall.—I was told it would be two or three days after last term. I confess God Almighty hath been pleased to give me a long imprisonment to prepare for my last close. I do not fear death, though it should appear in far more frightful shapes than that we may be like to suffer. So, my lord, it is not so much a concernedness for my own life, as for the honour and justice of the court, that I plead for a respite to have witnesses that may positively and particularly disprove the testimony of Mr. Oates. And all the world will think it a hard case, when I do attest and call to witness such as have a great probability to prove what I say to be true; when I can have such a numerous train of witnesses to prove that I was that particular day threescore miles out of London, and would positively swear it, if permitted. It will be hard, and will, I fear, draw an heavy censure upon this honourable court, if some time be not allowed.

L. C. J.—It cannot be allowed you, for then we must tie up the jury, and make them fast all the time.

Marshall.—You may discharge them of me.

L. C. J.—We cannot do it now.

Mr. J. Pemberton.—There is no reason for it now; for you had time for your witnesses before. What do you come here to make a great harangue about witnesses which you had, and did not bring them?

L. C. J.—Did you know they would come to prove to any day?

Marshall.—I know they could prove such a day.

L. C. J.—Why then were they not here?

Marshall.—Pray, my lord, give me leave. I hope I shall not speak more than is reasonable and just, and then I care not how it succeeds. Every judge is as much obliged to follow his conscience as any formality in law.

L. C. J.—Pray teach your own disciples, don't teach us. You come and talk here what regard we are to have to our

own consciences, as if we did not know that better than any papist or priest in the world.

Marshall.—I suppose that, and 'tis rational too. And I do suppose that this bench is infinitely just and merciful, and upon that supposition I plead. Then if there be great reason to believe that I can disprove Mr. Oates in his positive testimony, then there is great reason to believe that I can save my life. And if there be reason to believe I can save my life, I suppose there will be more regard to this, than to any formality of law.

Corker.—I do desire that I may observe this, that Mr. Oates doth seem to accuse me positively of nothing, but only consenting to the benedictines' contribution of 6000*l.* which he says they could not do without my leave, because I was their president; but I have brought three witnesses, which say, and are ready to swear, that Mr. Stapleton is president, was so these many years, and I was never so in my life.

L. C. J.—Have you done now, all three?

Sir G. Wakeman.—I say, my lord, I find that it was imputed to me, at least as a sin of omission, that when I was before the council, I did not sufficiently detest, and abominate, and abhor this crime that is laid to my charge. I now detest, abhor, and abominate the fact charged on me. I call God to witness, I never was in any consultation about it in my life, I never received any bill for any money upon this account, nor did ever receive any money.

L. C. J.—Had not you two thousand pounds.

Sir G. Wakeman.—No, my lord, I wish I may never enter into the kingdom of heaven, if I received one farthing for any such thing.

Corker.—He says, that I was employed in distributing money; and I profess before God, I never distributed any money upon such account; all that I had was an annual annuity, which I gave amongst the poor. I protest before God, I never in my life did deliver, or hold it as a matter of faith or commendable doctrine, that it was lawful for the promoting of the catholic religion, to murder the king, or destroy my country. And I renounce and detest it from the bottom of my soul, and this is all that can be expected from a good christian upon that account; and I hope the jury will have no prejudice against me for that; and neither pope or any breathing upon earth can dispense with me from that obligation.

Marshall.—And if no door can be opened for a merciful sentence upon any consideration offered by the living; at the loud cries of the dying, I hope they may; and all the earnest vows, and all those solemn protestations of innocence by such as were lately executed for the crimes we stand here charged with, left behind them as sacred tes-

timonies of their loyalty and unviolated faith to the king. And I beg leave to put before the eyes of this honourable court, and this whole assembly, this landscape of horror, wherein may be seen those caves of darkness, those baths of glowing sulphur such men must be eternally judged to be condemned unto, if what they then spoke had not the characters of the fairest truth found instamped upon it. Now, if a right survey be taken of this landscape, and it be well observed what these men so solemnly signed and sealed too with their last breath, it must be confessed they either conspired finally to damn their own souls, or were not conspirators against the king, nor were they guilty of what was charged upon them. Present content, where the enjoyment is like to continue, works with a strong influence upon human nature, and chains it fast to the present world. But, my lord, with the approach of death, reformation of conscience does offer to advance, and we do observe those who have lived a very ill life, frequently to make a good end; but, my lord, it is a thing scarce ever heard of or known, that those who have lived all their lives well, should die ill. Nor can such as were looked upon while they lived as persons of much integrity, great candour of spirit, and unquestionable truth in all their attestations, dying, should become profane to blasphemy, become irreligious even to sacrilege, and false even to the worst of atheism. My lord, this cannot readily be believed, or easily imagined; nor will be, though it be possible; and yet all that will not believe this, must own an innocency where guilt is so strongly supposed. And if there be great cause to doubt whether those that were lately executed, and were supposed to be leaders in this conspiracy, were guilty upon the consideration of those solemn dying protestations they made to the contrary; I humbly conceive it may be much more rationally doubted, whether others brought in only by the bye, as I am, as a letter carrier, and only as marginal notes to the great conspirators, may not be wholly innocent. Now, my lord, if no credit be to be given to the protestations of men dying, that have ever been judged sober or just; how can faith be reposed in the testimony of such living persons as know no god nor goodness? And if the reputed just man at the very point of death can be judged rationally false in his protestations, though death be in his eyes, and hell threatening to ingulph him; may not he, my lord, who hath owned himself a villain in print, be thought false in his testimony, while preferment tickles him, rewards march before him, and ambition beckons to him, which he greedily follows, though God and conscience tell him 'tis unjust.

England is become a mournful theatre, upon which such a tragedy is acted, as turns the eyes of all Europe to-

ward it; and the blood which hath been already spilt, hath found a channel to convey it even to the remotest parts of the world. And though it inspires different breasts with different resentments, yet it may speak a language that none who are friends of England will be willing to understand. Our present transactions here, are the present discourse and entertainment of foreign nations; and without all doubt will be chronicled and subjected to the censure of ensuing ages. Now, my lord, I have great reason to believe, that not one of those honourable persons that now sit judges over us, would be willing to have their names writ in any characters, but those of a just moderation, of a profound integrity, of an impartial justice, of a gracious clemency. And though we would not be all thought to be well-wishers to the roman catholic religion, yet we would be all thought friends to religion; and though we exclaim against idolatry and new principles of faith, yet we all stand up for old christianity; whereas, if the testimony of living-impiety be applauded and admitted of, and the cries of dying honesty scoffed at and rejected, what will become of old christianity? And if any voice, or cry, or protestations of dying men may pass for truth, and obtain belief, where is now our new conspiracy? The question now seems to come to this, the belief of christianity now in roman catholics, and the appearance of their innocency, are so fast linked together by those solemn vows and protestations of their innocency made by the late executed persons, that no man can take up arms against the latter, but must proclaim war against the former. Nor can our innocency bleed, but our christianity must needs by the same dart be wounded. Nor can any tutelar hand stretch itself forth —

L. C. J. North.—You speak *ad faciendum populum*, and should not be interrupted, but only I think you lash out a little too much.

Marshall.—I speak this to add the testimony and solemn vows of the dying to what we say living for our own defence. And I desired they may be put in both together, and weighed in the scales of an impartial judgment. Now, my lord, I say, the question seems not so much whether roman catholics are conspirators, as whether indeed they be christians. Nor is it the great doubt now whether they designed to kill the king, but whether they believe there is a God. For whoever grants this last, the belief of a God, of a heaven, and a hell, and considers what asseverations they made at their death, what solemn protestations they insisted upon, does with the self same breath proclaim them innocent.

Mr. J. Pemberton.—But, Mr. Marshall, will you go on to affront the court in this manner, to vouch for the truth of

their speeches, which they made at the gallows, and affirm them innocent after they have been found guilty, and executed according to law?

Marshall.—My lord, I do not avouch them innocent, I only desire there may be consideration had, and that the words of such dying men may be thought of. If they did believe a God and a judgment-seat that they were going to, could they be innocent and christians too?

L. C. J.—I was oth to interrupt you because you are upon your lives, and because 'tis fit you should have as much indulgence as can be allowed. Your defence hath been very mean, I tell you before-hand; your cause looked much better before you spoke a word in your own defence, so wisely have you managed it.

Mr. Recorder.—But really for your particular part, Mr. Marshall, you abound too much in your flowers of rhetoric, which are all to no purpose.

Marshall.—I hope it would be no offence to insist ———

L. C. J.—But I will tell you, and I'll be heard as well as you, sir; because of the protestations of these men, which you make so much a stir about. If you had a religion that deserved the name of a religion; if you were not made up of equivocation and lying; if you had not indulgences and dispensations for it; if to kill kings might not be meritorious; if this were not printed and owned; if your popes and all your great men had not avowed this, you had said something; but if you can have absolutions either for money or because you have advanced the catholic cause, as you call it, and can be made saints as Coleman is supposed to be; there is an end of all your arguments. There is a God, you say, and you think we shall go to that God because he hath given us the power, we can let ourselves in and turn the key upon heretics. So that if they kill a king, and do all the wickedness they can devise, they shall go to heaven at last: for you have a trick, either you can directly pardon the killing of a king, or if you excommunicate him he is no king, and so you may kill him if it be for the advancement of religion. But it will be in vain for you or any priest in England to deny this, because we know you print it and publicly own it, and nobody was ever yet punished for any such doctrine as this. Therefore all your doings being accompanied with such equivocations and arts as your religion is made up of, 'tis not any of your rhetoric can make you be believed. I do believe it is possible for an atheist to be a papist, but 'tis hardly possible for a knowing christian to be a christian and a papist. 'Tis hardly possible for any man of understanding, setting aside the prejudices of education, to be a papist and a true christian, because your doctrines do contradict the foundations of

christianity. Your doctrine is a doctrine of blood and cruelty; Christ's doctrine is a law of mercy, simplicity, gentleness, meekness, and obedience; but you have nothing but all the pride that ever a pope can usurp over princes: and you are filled with pride, and mad till you come again into the possession of the tyranny which you once exercised here: insomuch that 'tis strange to me, but that princes abroad think you more conducing to their politic interest, else sure they could not endure such spiritual tyranny to lord it over their souls and their dominions. Therefore never brag of your religion; for it is a foul one, and so contrary to Christ; that 'tis easier to believe any thing, than to believe an understanding man may be a papist. Well, sir; if you have any more to say, speak it. You have provoked me to this; and indeed I ought to do it, because you have so much reflected on the justice of the court: but if you have any thing to say in your defence, speak it, or to your own particular case. As for your religion, we know what it is; and what merciful men you are: and if we look into the bottom of you, we know what you were ever since queen Mary's days: and if we look into the gunpowder treason, we know how honest you are in your oaths, and what truth there is in your word, and that to blow up king, lords and commons, is with you a merciful act, and a sign of a candid religion; but that is all a story with you: for it is easier for you to believe that a saint, after her head is cut off, did go three miles with her head in her hand to the place where she would be buried, than that there was a gunpowder treason. (*At which the people gave a shout.*)

L. C. J. North.—You must not meddle any more with the speeches of those that died.

Marshall.—I did not intend, my lord, to call any thing of justice in question.

L. C. J.—What do you think we will be imposed upon in this manner? Perhaps you have trick enough to gull your own party, but have not to deceive protestants; they can look through all your arts; nay, I never saw such men of weak parts as your priests generally are; so that I wonder you should have any disciples but silly women or men without learning.

Marshall.—If we were guilty of this conspiracy, we should gull only ourselves.

L. C. J.—Go you on with one harangue, I warrant you I will give you another; you shall not be hindered to say any thing that is pertinent: but this is not at all so. We have a bench of aldermen have more wit than your conclave, and a lord mayor, that is as infallible as your pope. Have you any thing more to say for yourselves?

Marshall.—'Tis not proper to contradict your lordship,

but 'tis a wonder you should know our religion better than ourselves; for I know not of any such doctrines owned amongst us.

L. C. J.—No! then I believe you have not read your own books; I suppose that your business is not now to read, but to seduce silly women, or weaker men. What, don't you publish them all over the world? Is there any *Index expurgatorius*, into which you have put these doctrines? Surely you know not any thing, if you know not this.

L. C. J. North.—If you have any thing more to say in the proper defence of your trial, pray speak it now.

Corker.—As to those damnable doctrines, we profess ourselves innocent of them. I desire that the jury may not go upon such a prejudice, that I entertain such principles of religion, as matters of my faith. They are horrid crimes, protest against them, and own them not. I desire the jury to take notice of it.

Marshall.—I have this further to offer to your lordship, that Mr. Bedloe owned before the lords, that he knew no more to be guilty than he had declared, and among all those I am not named; and this a month or six weeks before I was taken.

Mr. J. Pemberton.—There is no such thing at all proved here, or given in evidence, and therefore why do you insist upon it?

Marshall.—In this I appeal to the knowledge of your lordship: and if you know it, I hope you will be pleased to acquaint the jury with it.

L. C. J.—I do not know for my own particular what answer was made; I was not in the house, nor do I know it.

Judges.—None of us know it.

Marshall.—I desire the worthy jury to take notice, that, among all the persons named, there is no such name mentioned as mine.

Mr. J. Pemberton.—There is no such thing proved here.

Marshall.—They deny all the lord's records.

L. C. J.—Well, have you done? Look you gentlemen of the jury—

Marshall.—I desire but one word: these things I have insisted upon as far as I can for myself; but the main matter I relied upon, was, that Mr. Oates did not know me, neither as to my calling, conversation, words, nor actions. He can bring no person, man nor woman, that ever saw him in my company, nor took notice of our meeting together, nor Bedloe neither; he can name no place where he saw me, none but the Savoy, against which no proof can be found. And then at the searching of this house, I desire the jury to take notice, that at that time he disowned us, and said he did not know us. A sufficient rational cause cannot be

given, why he should say now he knows me, and did not then take me.

Mr. J. Pemberton.—You have said all this before.

Marshall.—Then, my lord, for a conclusion, I have been told, and will only desire the jury to take notice of it, that every jury that finds a man guilty of leath upon the testimony of witnesses that come in against him, do take it solemnly upon their consciences, that what such witnesses swear, is true.

L. C. J.—That they believe they swear true: for we have no infallibility with us: 'tis one thing to say 'tis true, and another thing to say we believe it is true. Look you, the jury may give a verdict that is false, and yet go according to their consciences. Do you understand that, priest?

Mr. J. Pemberton.—You need not teach the jury what they are to do.

Marshall.—But considering in case an oath be false, and the jury have reason to doubt what the prisoners say in their own defence, upon what they hear or have learnt of their own knowledge; if they find such doubt grounded upon that double matter, then they are in great danger to bring the fault to their own doors, and make the crime of perjury their own.

Mr. J. Pemberton.—What do you go over things again and again.

L. C. J.—All this signifies but little, if you had popery here, you would get but little by it. We should hardly part with our Peter pence for all your speeches. We all know what things are, 'tis not a parcel of words patched thus together will do your business.

Marshall.—I wish all thoughts were as open faced as ours are.

The lord chief justice then proceeded to sum up the evidence to the jury, and notwithstanding the violent prejudices exhibited by him and the other judges towards the prisoners during their trial, he refrained from entering into any declamation against their religious principles, as on the former trials, confining himself wholly to the testimony of the witnesses, and the defence made by the accused, which had evidently made a great impression upon the whole court. When the chief justice had finished his charge, Bedloe exclaimed—"My lord, my evidence is not rightly summoned up."—To which his lordship replied, "I know not by what authority this man speaks."—The jury then withdrew, and after about an hour's consultation, they returned and pronounced a verdict of *Not Guilty*. Upon this sir George Wakeman and Rumley were discharged; but Corker and Marshall, being priests, and liable to another indictment, were upon that account remanded to Newgate. They were

afterwards tried with five other catholic clergymen for this then heinous crime, on the 17th of January following, and condemned to suffer death; but were reprieved by his majesty, and survived the persecution.

This trial and acquittal, writes Echard, proved a considerable shock to the whole fabric of the plot; and it might have been more ruinous to it, had it not been so well supported by the next parliament; in the mean time, it occasioned various discourses, and the writing of several pamphlets on both sides, and was no small discouragement to those called the king's evidences. But the credit of it was, in some measure, kept up by a new narrative, published by Mr. Jennison, a witness at the last trial, in which he not only testified, that father Ireland was in London in the month of June, 1678, contrary to the jesuit's assertion, and his own dying words; but undertook to name the four ruffians that were to kill the king at Windsor, so often mentioned without names; who were Mr. Levallyn, Mr. Thomas Brahall, Mr. Karney, three Irishmen, and Mr. Wilson, an English papist, all of Gray's Inn, or harbouring thereabouts. Mr. Jennison made particular excuses, why he appeared no sooner, and still reserved some further particulars to be discovered as occasion should offer. The king, though he believed nothing of the matter, however issued out his proclamation, commanding the forementioned persons to render themselves, and proposed a hundred pounds reward to any that should take all or one of these dangerous men. As to the lord chief justice Scroggs, he met with so many reflections, that, upon the first day of Michaelmas term, he took occasion to make a notable speech in the king's-bench-court, concerning the very scandalous libels that had been published against him since sir George Wakeman's trial and acquittal; in which speech he purged himself at large of any degree of corruption, and with great courage declared, that he was neither afraid nor ashamed to own what he had done; that the impeachment of the course of public justice by vulgar noise and clamour, did not at all terrify him to a compliance with the rabble, against his conscience and understanding; nor to try any cause, otherwise than according to the evidence; and the probability, and the credibility it carried with it. Mr. justice Jones, and Mr. justice Dolben spoke also to the same purpose, and appeared as compurgators of the honesty and integrity of the chief justice.

CHAPTER IX.

The King falls sick, but soon recovers — Account of the Meal Tub Plot — The Burning of the Pope — Proceedings of the People — The origin of the titles Whig and Tory — Several other Trials occur — Death of Bedloe — The Duke of York presented in Westminster Hall as a Popish Recusant — Proceedings in Parliament — Exclusion Bill again introduced — Trial of Lord Stafford — Charges brought against him — His defence — Declaration before the Lords — Execution and dying Speech.

IN the latter end of August, 1679, writes Smollett, the king was taken ill of an intermitting fever at Windsor. This being thought dangerous by the physicians, his majesty sent a courier for the duke of York, who returned privately to England; but before he reached this country the king was recovered. The duke of Monmouth, an illegitimate son of the king, by Mrs. Walters, had resigned himself to the management of Shaftesbury, the principal mover of the plot, and seemed to aspire at the succession of the crown. Although highly favoured by the king, and very popular with the people, nevertheless the duke of York refused to return to the continent until Monmouth was deprived of his commission, and ordered to quit the kingdom. This great point being gained, the duke of York retired again to Brussels; but he soon obtained leave to reside in Scotland. Before he left England, he had prevailed upon the king to postpone the meeting of the new parliament by prorogation. He hoped, that as the nation began to cool, his right to the succession would regain the ground it had lost. Besides he had some expectation from a new plot, which he thought would translate the odium from the catholics the presbyterians. One Dangerfield, more infamous (if possible) than Oates and Bedloe, a wretch who had been set in the pillory, scourged, branded, and transported for fraud, felony, and coining; hatched a plot, in conjunction with a midwife called Cellier, a roman catholic of abandoned morals. They were said to be encouraged by the earl of Castlemain, the countess of Powis, and the five popish lords in the tower. Dangerfield declared there was a design on foot to set up a new form of government, and remove the king with the royal family. He communicated this intelligence to the king and the duke of York, who supplied him with money, and countenanced his discovery. He hid some seditious papers in the lodgings of one colonel Mansel, and then brought custom-house officers into the apartments to search for smuggled merchandize. The papers were found; and the council having examined the affair, concluded they were

forged by Dangerfield. They ordered all the places he frequented to be searched; and in the house of Cellier, the whole scheme of the conspiracy was discovered upon paper, concealed in the meal-tub, whence it acquired the name of the Meal-tub-plot. Dangerfield being committed to Newgate, made an ample confession of the forgery, which he said was contrived by the earl of Castlemain, the countess of Powis, and the five lords in the tower; that the design was to suborn witnesses to prove a charge of sodomy and perjury upon Oates; to assassinate the earl of Shaftesbury; to accuse the dukes of Monmouth and Buckingham, the earls of Essex, Halifax, and others, of having been concerned in the conspiracy against the king and his brother. The earl of Castlemain and the countess of Powis were sent to the tower; and the king himself, adds Smollett, was suspected of having encouraged this imposture. But people, who reasoned without prejudice, believed the confession and information were equally false.

This intrigue came seasonably in for the support of the credit of the grand plot, and was no doubt contrived by the same heads. Though the nation began to be wearied and satiated with the rumours of hellish designs and conspiracies, yet this served very much to keep up the old heat and fervour, which was now easily preserved by every little accident and occasion. For this purpose, the 17th of November, commonly called queen Elizabeth's day, when the effigies of the pope were usually burnt by the people, was celebrated this year with more than ordinary pomp and solemnity, and met with a more sensible effect upon the people. The procession consisted of one personating the dead body of sir Edmundbury Godfrey, carried on a horse, with a bell-man to remind the people of his barbarous murder. Priests in copes with large silver crosses, carmelites and grey friars, and six jesuits; and after them waiters, several bishops, some of them in lawn sleeves, others adorned with copes and mitres; then six cardinals, and after them the pope on a fine pageant, with boys and incense, &c. and behind him the representative of the devil. In this manner the procession marched about five o'clock at night from Bishop's-gate through the whole city to near Temple bar, attended by prodigious multitudes of people; at which appointed station they committed the effigies to the flames of a very extraordinary bon fire, which concluded the disgraceful scene. About ten days after the people were agitated with a sight of another nature, which was the sudden arrival of the duke of Monmouth from beyond the seas; and although he entered the city about midnight, upon the watch spreading the news of it, the bells immediately rung, and bonfires were made through the city and suburbs in a

very extraordinary manner. All this winter, writes Echard, by the assistance of some leaders, men's minds were agitated by pamphlets and petitions; but none made more noise, or had greater effect, than that called *An Appeal from the Country to the City*; of which we are to take some little notice. The author desires the chief citizens to go up to the top of the monument, and fancy to themselves the following objects:—"First, imagine you see the whole town in flames, occasioned a second time by the same popish malice which set it on fire before. At the same instant fancy, that amongst the distracted crowd you behold troops of papists ravishing your wives and daughters, dashing your little children's brains out against the walls, plundering your houses, and cutting your own throats, by the name of heretic dogs. Then represent to yourselves the tower playing off its cannon, and battering down the houses about your ears. Also casting your eye towards Smithfield, imagine you see your father or your mother, or some of your nearest relations, tied to a stake in the midst of flames; when with hands and eyes lifted up to heaven, they scream out to that God, for whose cause they die; which was a frequent spectacle the last time popery reigned among us. Fancy you behold those beautiful churches, erected for the true worship of God, abused and turned into *idolatrous temples*, to the dishonour of Christ, and scandal of religion; the ministers of God's holy word torn in pieces before your eyes, and their best friends not daring to speak in their behalf. The only objects will be women running with their hair about their ears, men covered with blood, and children sprawling under horse's feet, and only the walls of houses left standing. When those that survive this fatal day, may sigh and cry, 'Here once stood my house, there my friends, and here my kinsmen; but alas! O my husband! O my children!' In fine, what the devil himself would do, where he here upon earth, will in his absence infallibly be acted by his agents the papists. Those who had so much ingratitude and baseness to attempt the life of a prince, so indulgent to them, will hardly be less cruel to any of his protestant subjects." After a deal of arguing and exclaiming for the prevention of these mischiefs, the writer says at last, 'for which purpose no person is fitter than his grace the duke of Monmouth, as well for quality, courage, and conduct, as for that his life and fortune depends upon the same bottom with yours. He will stand by you, therefore ought you to stand by him. And remember the old rule is, He who hath the worst title ever makes the best king."

While this and similiar incendiary and inflammatory libels were circulated among the people, for the purpose of irrita-

ting and arousing their feelings against the papists, the utmost endeavours were made to procure petitions and signatures to the king to request his majesty would allow parliament to sit on the 26th of January, according to the last prorogation. The court party retorted the practice of petitions upon their antagonists. They took care to provide a great number of addresses to his majesty, expressing their abhorrence of the licentious freedom which had been taken in demanding a parliament. One side was distinguished by the name of *Petitioners*; the other acquired the appellation of *Abhorrrers*. The party which adhered to the interest of the crown and lineal succession were soon after designated by the title of *Tories*, a name given to a banditti; and on the other hand, they in return called the exclusionists *Whigs*, or *Sour-Milk*, a term formerly appropriated to the Scotch presbyterians and rigid covenanters. From these beginnings were derived the famous names of Whig and Tory, which still serve to distinguish the factions of England.

In Easter and Trinity terms this year 1680, occurred several prosecutions and trials. About the middle of the former term, upon the evidence of Dangerfield, a bill of indictment against the countess of Powis was presented to the grand jury of Middlesex, who not being satisfied with the validity of the evidence, after a long examination, brought in the bill, *ignoramus*. About a week after, Richard Tasborough, esq. a roman catholic, of Flixton, in Suffolk, was tried at the king's bench bar, upon an indictment of high treason in conspiring the death of the king; but upon a long hearing, to no great purpose, the jury without going from the bar, brought him in *not guilty*, on which he was discharged. Two days after the lord Stafford, one of the five lords in the tower was brought to the same bar, by *habeas corpus*, where complaining of his long imprisonment, he moved for bail; but being impeached by parliament, the judges told him, he was not within the benefit of the late *habeas corpus* act, and so could not relieve him. But the day following, sir Henry Tichbourne, Mr. Roper, sen. and John Caryl, esq. were bailed at the same bar, though accused of high treason. The reason given was, because only Mr. Oates appeared against them. On the last day of the term, the countess of Powis, sir Robert Peyton, and Mr. Bedingfeld were discharged from all attendance.

On the first day of Trinity term, the before-mentioned Mrs. Cellier was tried for high treason at the king's bench bar; the indictment running in the usual form as against the rest of the accused conspirators. But the chief and almost only evidence against her, Dangerfield, being proved, by records then produced, so great and infamous a miscreant, his testimony was refused to be admitted by the court,

chiefly in regard that he stood outlawed for felony, which crime not being expressed in his pardon, she was therefore found *not guilty*, and Dangerfield was himself committed to custody, until he could find bail to reverse the outlawry, to answer the felony, and for his good behaviour. But within a few days after, the said Dangerfield produced a Newgate pardon, wherein all felonies were pardoned, and his name being found therein, he was discharged. As to Mrs. Cellier, she shortly after published a narrative of her trial and sufferings, under the name of *Malice Defeated*, in which were found some severe reflections upon several individuals, which were looked upon as affronting to the government. For this offence she was tried a second time, and found guilty of publishing a libel; for which she was sentenced to stand three times in the pillory, to pay a fine of one thousand pounds, and to suffer imprisonment till all was complied with.—Several other prisoners on account of the plot, in consequence of the attorney-general not having sufficient evidence against them, were bailed, and some were discharged, by virtue of the *habeas corpus* act. Of the former were the lord Aston, sir James Symonds, Mr. Edward Peters, and Mr. Needham, together with several others who were reputed priests. Mr. Howard, Mr. Hevington, both the Mr. Ropers, sir John Gage, and the young Mr. Langhorne, were wholly discharged from their long confinement, some having been detained in prison for three and twenty months, and the reason given was, because the attorney-general had but *one* witness against them. Sir Anthony Dean and Mr. Pepys were at the same time discharged from all further attendance.

The trial however that made the most noise at this period of the plot, was that of the earl of Castlemain, husband to the famous duchess of Cleveland, who was arraigned at the king's bench for high treason on the 23d of June, 1680, before the lord chief justice Scroggs, and a jury of very respectable gentlemen. The two witnesses against him were Oates and Dangerfield. The former swore to some treasonable correspondences carried on by letters, &c. beyond the seas by his lordship; and further, that he was acquainted with the great April consult, so often mentioned, and thereupon said—"That he would now be revenged for the injuries done him." The same evidence had formerly sworn before the king and council, and the two houses of parliament, that he had seen a divorce sued out at Rome, by his lordship, between him and his duchess; but being strictly examined upon it, he began to falter on that and some other particulars on which he was much pressed by the earl, so that he manifestly lost ground on this trial as he had before done on that of sir George Wakeman, &c.—As to

Dangerfield, though he had been made a *legal* witness by his late pardon, yet his actions had been such, that it could not make him a *creditable* one; so the jury, without examining so much into Oates's reputation, soon brought in the earl *not guilty*, which was followed, says Echard, with great shouts and acclamations, to the disappointment and mortification of many at that time.

On the 20th of August, in this year, 1680, Oates's great second and assistance, Bedloe, died at Bristol.—In his last sickness he was visited by the lord chief justice North, who was then on his circuit, and before whom he not only insisted upon the truth of his evidence against the jesuits, but he also accused the duke and the queen of having been concerned in the design of introducing popery into England. He likewise declared he had many other circumstances to discover, of importance to the king and nation; and besought the chief justice to intercede with his majesty for *some allowance on which he could subsist*. This solicitation plainly proves he did not think himself dying, and invalidates the credit which is supposed due to a death-bed confession. We know not, writes Echard, how to speak softly of the dying words of one hardened by many years of villainy; but must expressly declare, that, as to his public oaths, he did not only swear to the most shocking improbabilities, but sometimes changed, and other times contradicted, his own evidence. However, great use was made of his last words in the next parliament; which came in very seasonably for the support of the credit of the plot, which was now in a declining condition.

The failure of the before-mentioned trials was a great blow to the plot, which began to stagger in the judgment of most men, except those who were devoted to the Whig party. But in order still to preserve alive the zeal against popery, the earl of Shaftesbury appeared in Westminster hall, attended by the earl of Huntingdon, the lords Russell, Cavendish, Gray, and Brandon, sirs Henry Caverly, Gilbert Gerrard, and William Cooper, and other persons of distinction, and presented to the grand jury of Middlesex reasons for indicting the duke of York as a popish recusant.—While the jury, however, were deliberating on this extraordinary presentment, the chief justice sent for them, and they were suddenly dismissed. Another instance also occurred which clearly demonstrates the wickedness and iniquity of this party towards the papists, and the little regard they paid to justice or religion when either of them clashed with their views. It is the province of the sheriffs of London, by virtue of their office, to return the juries. The lord-mayor having named a person to fill this situation, who was disagreeable to the faction, the common-hall rejected

him, and choose two noted independents and republicans, who, says Smollett, *sacrificed their religion to their interest*, so far as take the oaths and the sacrament, and renounce the covenant, to qualify themselves for this employment. The impartiality of the juries may be easily guessed at, by the integrity of principle displayed by those who had to select them; yet these were the men who were engaged in raising a popular clamour against the professors of popery, for getting dispensations from their oaths, and for dissembling their religion for the good of the church. The kingdom being now divided into two zealous and regularly arranged parties, it was not very difficult for the king to ascertain that the majority of the new house of commons was engaged in interests opposite to the wishes of the court. But notwithstanding this, he was determined to leave no expedient untried by which he might compose the unhappy differences among his subjects, and he consequently resolved, after a very long interval, to assemble the parliament, which took place on the 21st of October, 1680. The king in his speech declared himself ready to concur with them in all reasonable measures for the security of the protestant religion, provided no prejudice should be offered to the succession; and he strongly recommended a strict union between him and them, as the chief means that would ensure the strength and prosperity of the nation. All these softening expressions were lost however, upon the commons. Every step which they took betrayed that zeal with which they were animated. Having chosen a speaker, they began the session by expelling some of their own members, who had subscribed the petition of the abhorriers; and then appointed a committee for farther enquiry into the conduct of such other members as had been guilty of the like crime. Great numbers of the abhorriers, from all parts of England, were seized by order of the commons, and committed to custody; and the liberty of the subject was every day violated by their arbitrary and capricious commitments. But the chief violence of the commons, says Hume, appeared in all their transactions with regard to the plot, which they prosecuted with the same zeal and the *same credulity* as their predecessors. They renewed the former vote, which affirmed the reality of the horrid popish plot; and, in order to the more terrifying the people, they even asserted, that, notwithstanding the discovery, the plot still subsisted. They expelled sir Robert Clayton and sir Robert Yeomans, who had been complained of, for saying, that there was no popish, but there was a presbyterian, plot. And they greatly lamented the death of Bedloe, whom they called a material witness, and on whose testimony they much depended. The commons even endeavoured, by their countenance

and protection, to purge off the extreme infamy with which Dangerfield was loaded, and to restore him to a capacity of being a witness. The whole tribe of informers they applauded and rewarded; and their minds were filled with the fears and oppressions of popery, plots, and conspiracies.— Finding the trade of plot-discovering so very profitable, the new witnesses applied themselves with diligence, and produced their narratives and relations, which never failed of meeting with encouragement. Dangerfield began with giving in his information to the house, and was soon followed by Jennison, Dugdale, and one Turberville, a new evidence, all of whom had something material or surprising to lay before the assembly. Bedloe's last deposition and words before lord chief justice North, were ordered to be printed; and as they were looked upon to be a great strengthener to the plot, so was his death accounted at this time a great misfortune. Much notice was likewise taken of Dr. Tonge, the first mover in this mighty affair, who was now by the commons recommended to his majesty for the first good ecclesiastical preferment that fell in his gift; but the doctor was disappointed of the benefit, by leaving the world not long after, namely, in the month of December, 1680. Besides these evidences at home, there came a body of others from Ireland, who gave in their information of a dangerous plot in that kingdom; upon which account Dr. Oliver Plunkett, the titular primate of Ireland, was brought over to this country to be tried for high-treason.

As the house of commons proceeded with a resistless force against the plot and popery, so the king, rather than stem the torrent, seemed to fall in with them in a like zeal against both; and therefore he issued out a proclamation, for the encouragement of the further discovery of the popish plot. This disposition on the part of his majesty however produced no alteration in the conduct of the commons. The celebrated lord Russel, the leader of the Whigs in that house, and his compeers expatiated upon all the steps which the government had taken to the prejudice of the nation. They imputed them wholly to the counsels of the papists; and exaggerated the dangers to which the kingdom would be exposed from a popish successor. They were seconded by a great number of members, some of whom spoke of the duke of York in the most virulent terms. At length the house renewed the disgraceful votes which had passed against him and the papists in the former parliament, and in less than a week from the commencement of the session, a motion was made by lord Russel, for the bringing in of an *exclusion bill*, and a committee was appointed for that purpose. This measure, so repugnant to the king's inclination, who always preserved the strictest friendship and attachment to his brother, and a regard to the right of succession, was espoused even by the

duchess of Portsmouth, the king's favourite mistress, who, in all probability thought, that should the duke of York be set aside, her son might have some chance for the crown. This bill differed in nothing from the former, but in two articles, which shewed an increase of zeal in the commons; the bill was to be read to the people twice a year in all the churches of the kingdom, and every one, who should support the duke's title, was rendered incapable of pardon but by act of parliament. The debates upon this arbitrary and unjust measure were carried on with great violence on both sides, yet the bill passed the commons by a great majority. In the peers, however, the friends to the right of succession had better success. There it was carried only by a majority of two to pay so much respect to the bill as even to commit it. When it came to be debated, the contest was violent. It was defended by Shaftesbury, Essex, and Sunderland. They were answered by Halifax, who is recorded by all our historians, to have displayed such an extent of capacity and force of eloquence as had never before been witnessed in that house. The king was present at the debate, which was prolonged till eleven at night, when the bill was thrown out by a majority of thirty-three. The whole bench of bishops, except three, voted against it as a dangerous innovation. The commons were extremely mortified at this disappointment; and so incensed against Halifax, that they addressed the king to remove him from his councils and presence for ever, on pretence of his having advised the late prorogation of parliament, but the real reason was apparently on account of his vigorous opposition to the exclusion bill. When the king applied for a vote of money to enable him to conduct the affairs of state, instead of complying, the commons voted such an address as was in reality, says Hume, a remonstrance, and one little less violent than that famous remonstrance, which ushered in the civil wars. All the abuses of government, from the beginning almost of the reign, were insisted upon; the Dutch war, the alliance with France, the prorogations and dissolutions of parliament; *all these measures*, as well as the *damnable and hellish* plot, were ascribed to the machinations of *the papists*; and it was also plainly insinuated that *the king* had, all along, lain under the influence of that party, and was *in reality* the CHIEF conspirator against the religion and liberties of his people.—Hume, however, attempts to palliate some part of the turbulent conduct of the commons, by observing, that though they conducted the great business of the exclusion with great violence and even impudence, they had yet much reason for that jealousy, which gave rise to it. But, he continues, their vehement prosecution of the popish plot, even after so long an interval, discovers such a spirit, either of

CREDULITY or INJUSTICE, *as admits of no apology.* The impeachment of the catholic lords in the tower was now revived; and as the viscount Stafford, from his age, infirmities, and supposed narrow capacity, was esteemed the *least* capable of defending himself, it was determined to make him the *first* victim, that his condemnation might pave the way for a sentence against the rest.

Accordingly, on the 30th day of November, 1680, he was brought to trial by his peers, (the earl of Nottingham, being lord chancellor, appointed lord high steward for the occasion) with all the usual forms and solemnities attending the case. The managers for the commons, among whom were some considerable lawyers in the house, as serjeant Maynard, sir William Jones, Mr. Treby, &c. opened the cause with great copiousness and eloquence. They began with the plot in general, and laid open the malice, wickedness, and horror, of so dreadful, bloody, and hellish a design: They strenuously insisted on the express positive oaths of the witnesses, upon whom the credit of the plot chiefly depended; they expatiated upon Coleman's letter, and others, clearly proving the designs and activity of the writers; they pressed home the execrable murder of sir Edmundbury Godfrey, charged upon the papists, as well by the oaths of self-acknowledged partners in the fact, as by a letter sent from London to Tixall, intimating this very murder the third day after it was committed; they fully displayed the sham plot, and counter-contrivances, whereby the papists would have suborned the king's evidence, and turned all the guilt upon his majesty's most loyal subjects; they urged the firing the city, the burning the navy, the calling in French armies, wild Irish, Spanish pilgrims, &c. They recapitulated the several trials of Ireland, Whitebread, Langhorne, &c. and alledged the votes of both houses of parliament, declaring the plot. To corroborate all which, they repeated the cruelties of queen Mary, the French and Irish massacres, the powder-plot, &c. and they anatomised the wicked principles and practices of murdering, lying, equivocating, for swearing, faith-breaking, &c. imputed to the papists, and held by them lawful and meritorious. In fine, says Echard, nothing was omitted or neglected through the whole process, but the least circumstance fully enforced and advanced with such art and acuteness, as well answered to so great a cause, prosecuted by so high an authority, before so illustrious judges, and so august an assembly.

Some witnesses were first produced to prove the reality, or at least the probability of the plot in general; but chiefly three appeared against the lord in particular, namely, Dugdale, Oates, and Turberville, the last said to be both a profligate and an indigent person. 1. Dugdale swore, That, at a cer-

tain meeting held at Tixall in Staffordshire, about the end of August, or beginning of September, 1678, the lord Stafford, with lord Aston, and others, did, in the presence of the witness, give his full consent to take away the king's life, and introduce the popish religion. That on the 20th or 21st of September, in the forenoon, the lord sent for this witness to his chamber, while he was dressing; and, turning his servants out, offered him five hundred pounds for his charges and encouragement, to take away the king's life; and further told him, he should have pardon for all his sins, and be sainted; for the king was excommunicated, and was likewise a traitor, and a rebel, and an enemy to Jesus Christ. 2. Oates swore, that in the year 1677, both in Spain and at St. Omers, he saw several letters, signed Stafford, wherein his lordship assured the jesuits of his fidelity and zeal in promoting the catholic cause. That in 1678, being in London, his lordship came to the chamber of Fenwick, since executed, and there in his presence received a commission from him to be pay-master-general to the army: whereupon his lordship said, he must of necessity go down into the country to take account how affairs stood there; and did not doubt, but at his return, Grove should do the business, and, speaking of the king, he further added, he hath deceived us a great while, and we can bear no longer. 3. Turberville gave an account of disoblighing his friends by leaving his friar's habit at Doway; and thereupon went into France, in the year 1675, where, at Paris, getting acquainted with his lordship, he proposed to the witness a way, both to retrieve his credit with his friends, and make himself happy, and this was by taking away the life of the king of England, who was a heretic and a rebel against God Almighty. That, when he took leave of him, his lordship appointed to meet him at London, but he soon after returned into France, not being willing to undertake the proposals, and was discountenanced by his friends, and reduced to poverty.

The accused lord, in his defence, alledged many things to invalidate the credit of the plot, and particularly the reputation of these three witnesses. Against Dugdale he produced evidence, That he was a person of infamous life; that he had cheated the lord Aston his master, and defrauded workmen and servants of their wages; that, by his extravagances and misdemeanors, he had run himself into several hundred pounds debt, for which he was thrown into jail, and despaired of ever getting out from thence, otherwise than by making the pretended discoveries. In the next place, that he had directly perjured himself, in divers parts and circumstances, as to time and place, in this and other depositions; and further he proved, that he had endeavoured to suborn divers

persons to make false oaths, and so to strengthen his own by other men's perjury. Against Oates he enlarged upon the mighty improbabilities, that so many great and rich conspirators, who had trusted him with their greatest secrets, and whose lives were at his mercy, should suffer him to be reduced to such a wretched degree of beggary, as he was acknowledged to be when he made his first discoveries. He likewise insisted upon his omissions, additions, and contradictions, that plainly appeared in his several depositions about the plot; and also upon his villainous feigning himself to be of another religion, by solemn renunciations of his faith, and by such sacraments on one side, and such abjurations and execrations on the other, as rendered him unfit to be admitted as an evidence against any man living. On this latter point his lordship expressed himself in the following forcible and remarkable words:—My lords, I do infer this one thing further, upon what this Dr. Oates tells you. He did seemingly profess himself of the catholic religion, and I do stand upon it, that hereupon he is no competent witness in that which he offers against me; for being of the church of England, (for I think he professes himself so, and wears that habit) I say, any man, let him be who he will in the world, church-of-England man or other, that shall pretend himself to be a papist, for what end so ever it be that he so pretends and dissembles with God Almighty, which he must do to a great height, in receiving that sacrament, which is by your lordships and the house of commons declared to be gross idolatry, is not easily to be esteemed a witness. I appeal to your lordships, to the house of commons, and to every body, whether such a fellow, that will abhor his religion, let him do it for any ends in the world, be a man to be credited; and especially engaging in such a way, to such an height, in that which his conscience tells him is idolatrous, is not a perjured fellow, and no complete witness? No christian, but a devil, and a witness for the devil. And I appeal to the whole christian world, if a protestant of the church of England should come to be a servant to a catholic, and pretend himself a papist, and were not so, whether he were fit to be countenanced. As it did once happen to me at Brussels, before the king came in, one that was a protestant came to be my footman, and he professed himself afterwards to be a catholic; and when I found he was not so, I told him what a villain he was, and he ought to be punished severely. I detest such dissembling with God, and I think by the laws of God and man, and the holy scriptures, such a perjured man is no witness."—As to Turberville, he urged that he was perjured in this, and many other of his depositions, and that his narrative had many mistakes and blunders in it. He denied that he or any of his servants

ever saw him at Paris ; and made some remarks upon his poverty and want, his loose manner of living, his shameful cursing and swearing, and particularly his using these words, "*God damn me ! there is no trade good now but that of a DISCOVERER.*"

It would extend this work to too great a length to mention all the particulars of this trial, which lasted a whole week, and in which great skill and dexterity was used by the managers to support the credit and reputation of the witnesses, among whom they believed there was no contrivance or confederacy. They argued, That they had made it plain and apparent in the beginning of the trial, by the testimony of six witnesses, by the declaration of both houses of parliament, by Coleman's letters, by the trial and conviction of other traitors, that there was a general design among the papists to introduce their religion, by raising of armies, murdering the king, and subverting the government. And as to his lordship's particular case, they had three witnesses, which sufficiently proved him guilty, and so expatiated upon the danger of popish principles, &c. And particularly sir William Jones exerted his skill and eloquence in a long speech, as much to prove the reality of the plot as the guilt of the prisoner; and thus especially argued :—" So that I think now none remain that do pretend not to believe it, but two sorts of persons; the one, those that were conspirators in it; and the others, those that wished it had succeeded, and desire it may so still;" and by way of conclusion he said,— " The evidence is so strong that I think it admits of no doubt, and the offences proved against my lord and the rest of his party are so foul, that they need no aggravation, the offences are against the king, against his sacred life, against the protestant religion ; nay, against all protestants ! It is a design that appears with so dreadful a countenance to your lordships, to this great assembly, and to the whole nation, that it needs not any words I can use to make you apprehend it."

After this his lordship had recourse to a point of law, which many thought would have relieved him, and this was the necessity of two witnesses in the case of treason; and whereas treasonable words had been sworn against him at two several times and places, viz. 1675 and 1678, France and England, and by but one witness each time and place, he conceived he could not by their testimony be legally convicted of treason. This objection, though replied to by the managers, was thought of that importance, that the court judged it necessary to have the solemn opinion of all the judges present, which were ten in number. The lord chief justice North began with his in these words,— " I do here deliver my opinion, and am clear in it, that if there be seve-

ral overt-acts or facts which are evidences of the same treason, if there be one witness to prove such overt-act at one time and another witness to prove another overt-act at another time, both the acts being evidences of the same treason, these are two sufficient witnesses of that treason, and will maintain an indictment or impeachment of treason." The rest of the judges declared themselves of the same opinion; and one of them, Baron Atkins, by way of explanation, said, "If a man design to kill the king, and buys powder at one place and at one time and a pistol at another place, and at another time, and promises a reward to one to assist him to do the thing at a third place and a third time, these are several overt-acts; but if the law requires that each be proved by two witnesses, I do not see how any man can be convicted of treason." This opinion of the judges, observes Echard, was looked upon as an extraordinary precedent, and was used with no little severity against the contrary party.

This question being decided by the judges against his lordship, he then petitioned the court, as a peculiar favour, that he might offer some things to their lordship's consideration, the purport of which was, that having already proved direct perjury upon all the three witnesses against him, he would, as well at the instance of his wife, daughter, and friends, as out of sincerity of conscience, in the presence of Almighty God, declare to them all that he knew. He said, that he verily believed there had been in former times, plots and designs against the crown and government, (as the gun-powder treason, &c. owned by the traitors themselves at their death) wherein some roman catholics as well as others, might be concerned: which plots he from his heart (as both his duty and religion taught him) detested and abhorred. That it was ever indeed his opinion, that an act of comprehension for dissenting protestants, and a toleration for roman catholics (yet so as not to admit them into any office of profit or dignity) would much conduce to the happiness of the nation. But this was not otherwise to be procured or desired, than by a free consent of the king, lords, and commons, in parliament assembled. That he never read or knew of Coleman's letters or consultations for toleration, till he saw the letters themselves in the printed trial. How far Coleman was criminal, his lordship observed, he did not know; but he believed he did that which was not justifiable by law. That as to the damnable doctrine of king-killing, if he were of any church whatsoever, and found that to be its principle, he would leave it. That he knew the disadvantage he was under, in being forced, alone, to stand a contest with the learned gentlemen the managers, who possessed those great helps of memory, abilities, and understanding the law, all which he wanted. That there-

fore he hoped their lordships would not conclude barely upon the manner, either of his or their expressions. But, seriously debating the merits of the cause in itself, would please to be his counsel as well as his judges. That seeing he was to be acquitted or condemned by their lordships' judgments, he knew they would lay their hands upon their hearts, consult their consciences and their honours, and then he doubted not but they would do that which was just and equitable. That he thought it a hard measure, and contrary to law, that any one should be imprisoned above two years without being admitted to trial; and that it was of evil consequence that any one should have justice denied him so long, till his opponents had found occasion to gain their ends. "I was first impeached," said his lordship, "in one parliament, articles brought against me and pleaded to in a second, and am now brought to trial in a third; and what your lordships will say to this I submit to you, and whether these be proceedings according to law, your lordships will judge. I humbly conceive that *Magna Charta* says, that justice shall not be denied nor delayed to no man: whether it hath not been delayed to me let your lordships judge. If you can say the prorogation of the parliament is the cause of that delay, I hope your lordships will give me leave to say, that from the 5th of December to the 30th, when the first parliament was prorogued, or during the session of the other parliament, there was time enough sure wherein I might have been brought to my trial; and if these proceedings be lawful and just, there is no man living but what might be kept off from time to time, till some accidents happen that their ends may be gained. I leave it to your judgment whether it may be only my case now, or of some of your lordships in future ages, to be accused of things that you never heard of before, and not brought to justify yourselves, but kept in prison. That statute of the great charter, which cost so many of your ancestors their lives to maintain, I hope you will never go from. Now, your lordships' noble ancestors amongst other things, took great care that justice should be delayed or denied to none, and this I desire you to take into consideration."—His lordship then observed, that however those large allowances and rewards granted to the witnesses for swearing, might peradventure be an effect of his majesty's grace and bounty, yet it was not easily conceivable how the hopes and promises of so great sums should not prove to dissolute indigent persons, strong allurements and temptations to perjury. Finally, he said, that the defence he had made, he owed it to the worth and dignity of his family; he owed it to his dear wife and children (at which words he was observed to weep); he owed it to his innocence; he owed it to God, the author of life. That he doubted not,

their lordships would duly reflect what a dreadful thing murder was, and the blood of innocents; and that he verily believed none of the house of commons desired his death for a crime of which he was not guilty. That he hoped their lordships would not permit him to be run down by the shouts of the rabble, the emblem, said his lordship, of our past calamity; it begun in the late times with the lord Strafford, and so continued, till it ended in the death of the king, the most execrable murder that ever was committed; and where this will end, he observed, God knows. In conclusion he declared, in the presence of God, of his angels, of their lordships, and all who heard him, that he was entirely innocent of what was laid to his charge; that he left it to their lordships to do justice, and with all submission resigned himself to them.

To this speech the managers, in reply, said, that his lordship's last address was not regular, nor according to the due method of proceedings; for if after his lordship had summed up his evidence, and the prosecutors had concluded theirs, he should begin the work again, and they by consequence be admitted to reply, he might still rejoin upon them, and so there would be no end of the proceedings. They therefore desired that this indulgence granted to the prisoner might not serve for a future precedent.

Upon these observations the lord high steward terminated the proceedings on both sides, and began to collect the votes of the different peers.—On casting them up, it was found, notwithstanding the noble defence of the venerable peer, in which he brought such just exceptions against the witnesses, and such proofs of their being perjured villains; notwithstanding the force of truth and innocence displayed by the accused lord, such was the iniquity of the times, and the aversion to his religion, that fifty-five lords declared him guilty, and he was acquitted by only thirty-one.

Upon his being told by the high steward that he was found guilty, he calmly said, "God's holy name be praised!" and then being asked by the same person, what he had to say for himself, why judgment of death should not pass upon him according to law, he replied, "My lord, I have very little to say, I confess I am surprised at it, for I did not expect it; but God's will be done, I will not murmur at it, God forgive those who have falsely sworn against me."

In conclusion, the lord chancellor made the following speech:—"That which remains to be done is a very saddening part; I have never given sentence on any man, and I am very sorry I must begin with your lordship, a person of your quality and fortune, descended of noble ancestors, a great sufferer in the late times, obliged to the government for the moderation you had in the exercise of your religion;

obliged to the king's father, and so much to this king; yet you have gone about not only to consult his death, but even the destroying of three whole nations, both of body and soul, as far as in you lay; of which you stand impeached by the commons, and have been found guilty by the lords. There have been many and great conspiracies against the life of the king, for the destroying of the government; and they have been carried on by consults, letters, and otherwise. By the burning of London, and the death of Sir Edmundbury Godfrey, the plot hath been carried on abroad, at Whitehall, and London, and your lordship hath been concerned in them all, with a mixture of malice. You have called the king a heretic, and said he was an enemy to God Almighty; here the proverb is verified,—‘Curse not the king, though in the inward chamber, for the birds of the air will reveal it.’ It hath pleased God to leave you to yourself, and you have digged a pit, and you have fallen into it yourself. God never leaves any man until they leave themselves; think not still well of your religion, and let not blind guides mislead you; true repentance is never too late, and be not persuaded not to confess that sin in public, which you positively have been absolved of in private; for whatsoever value you set on the prayers of them you call heretics, yet I am sure that both they that cleared you, and those that condemned you, are sorry for your condition. I will pray for your lordship; and this is the last time I must call you my lord.” And so he pronounced sentence of death against him according to the usual form in case of high treason.

Shortly after sentence was passed upon him, several of his relations and acquaintance, some out of zeal against popery, and others out of kindness to his lordship, were daily urgent with him to make discoveries of all he knew, as the only means to save his life, regain the king's favour, and obtain the thanks of the nation. His reply was, he was most willing and ready, out of a mere sense of duty and conscience, without any temporal view, to discover what he knew, either to the king or the house of lords, whenever they required it. Of which the lords being informed, they ordered his appearance before them the next day; at which time he made his acknowledgment to this effect: That he thought it no crime for any man to wish his neighbour might be of the same religion wherein he himself hoped to saved, nor to seek and promote it by such ways and means as the laws of God and the nation allow: that there had been at divers times, and on particular occasions, endeavours used, and overtures made to obtain an abrogation, or at least a mitigation of severities against catholics; but this to be procured no otherwise than by legal and parliamentary means.

That he himself went to Breda, while the king was there; and propounded a hundred thousand pounds in behalf of the catholics, to take off the penal laws; that, after the king came in, there was a bill brought into the house of lords, in favour of catholics, but it was opposed and quashed by my lord chancellor Hyde; that there had likewise been framed by the earl of Bristol and others, in order to the proposing of them in parliament, several forms of oaths contained in such terms as might fully express all duty and allegiance to the king, yet not entangle tender consciences with clauses and provisos, disagreeable to faith, and no ways belonging to loyalty: but neither did this succeed. That afterwards he had offered some proposals, as well to the lord chancellor at his house at Kensington, as to the duke of York, concerning some legal expedients, conducing to the good, as he thought, both of catholics and the whole nation; and also about dissolving the long parliament. The substance of which he likewise communicated to the lord Shaftsbury, who said, he doubted not but there would come great advantages to the king by it. These he avowed were the chief, and only designs he ever had, or knew of amongst catholics, for promoting their religion, of more than those he was wholly ignorant. But this declaration not giving satisfaction as to the plot, his lordship was remanded to the tower.

As the day of execution approached, the two famous sheriffs, Cornish and Bethell, began to be very scrupulous concerning the sentence, which the king had changed from hanging and quartering, to that of beheading, and thereupon applied themselves to the house of commons with these following queries: — 1. Whether the king, being neither judge nor party, can order the execution? 2. Whether the lords can award the execution? 3. Whether the king can dispense with any part of the execution? 4. If the king can dispense with some part of the execution, why not with all? This officiousness was shocking to some upon the debate; but sir William Jones gave it a handsome turn, saying, this house lies under no obligation to offer any opposition; especially at a time when such a dispute may end in preventing the execution of the said lord Stafford. Whereupon they came to this resolve, that this house is content that the sheriffs of London and Middlesex do execute William, late viscount Stafford, by severing his head from his body only.

Lord Stafford now prepared himself for death with that piety and fortitude which became his birth and station, and which was the natural result of the innocence and integrity, which, during the course of a long life, he had ever maintained: his mind seemed to collect new force from the violence and oppression under which he laboured. On the

29th of December, 1680, this venerable nobleman was led to the slaughter, to gratify the iniquitous passions of a turbulent and impious faction. When the hour of his death drew near, he expected with some impatience the arrival of Mr. lieutenant, telling his friends that were about him, he ought not to hasten his own death, yet he thought the time long till they came for him. A gentleman then with him in his chamber, put him in mind that it was a cold day, and that his lordship would do well to put on a cloak or coat, to keep him warm; he answered, he would; for, said he, I may perhaps shake for cold, but I trust in God never for fear. After some time spent in spiritual discourses, at length, about ten o'clock, word was brought to him that Mr. lieutenant waited for him below: upon which he sweetly saluted his friends, bidding them not grieve for him, for this was the happiest day of all his life. Then he immediately went down and walked along by the lieutenant's chair (who had the gout) through a lane of soldiers, to the bars without the tower. There the lieutenant delivered him to the sheriffs, and they from thence guarded him to the scaffold erected on Tower-hill. Several thousands of people crowded to see him, many civilly saluted him as he passed, and few there were that seemed not to have a compassion for him.

Having mounted the scaffold, there appeared in his countenance such an unusual vivacity, such a cheerfulness, such a confidence, such a candour, as if the innocence of his soul had shined through his body. And he looked death in the face with so undaunted a resolution, as gave occasion to many to say, grace had left him no resentments of nature. After a short pause viewing the people, and finding them attentive to what he should say, he stepped to one side of the scaffold, and with a graceful air, and intelligible voice, pronounced his last speech, which was as follows:—

“By the permission of the almighty God, I am this day brought hither to suffer death, as if I were guilty of high treason. I do most truly, in the presence of the eternal, omnipotent, and all-knowing God, protest upon my salvation, that I am as innocent as it is possible for any man to be, so much as in a thought, of the crimes laid to my charge.

“I acknowledge it to be a particular grace and favour of the holy Trinity, to have given me this long time to prepare myself for eternity. I have not made so good use of that grace as I ought to have done; partly because not only my friends, but my wife and children have for several days been forbidden to see me, but in the presence of one of my warders. This hath been a great trouble and distraction unto me, but I hope God of his infinite mercy will pardon my defects, and accept of my good intentions.

“Since my long imprisonment I have considered often

what could be the original cause of my being thus accused, since I knew myself not culpable, so much as in a thought, and I cannot believe it to be upon any other account than my being of the church of Rome. I have no reason to be ashamed of my religion, for it teacheth nothing but the right worship of God, obedience to the king, and due subordination to the temporal laws of the kingdom. And I do submit to all articles of faith believed and taught in the catholic church, believing them to be most consonant to the word of God. And whereas it hath so much and often been objected, that the church hold that sovereign princes, excommunicated by the pope, may by their subjects be deposed or murdered. As to the murder of princes, I have been taught, as a matter of faith in the catholic church, that such doctrine is diabolical, horrid, detestable, and contrary to the law of God, nature, and nations. As for the doctrine of deposing princes, I know some divines of the catholic church hold it, but as able and learned as they have written against it; but it was not pretended to be the doctrine of the church, that is, any point of catholic faith: wherefore I do here in my conscience declare, that it is my true and real judgment, that the same doctrine of deposing kings, is contrary to the fundamental laws of this kingdom, injurious to sovereign power, and consequently would be in me or any other of his majesty's subjects, impious and damnable. I believe and profess, that there is one God, one Saviour, one holy catholic church, of which through the mercy, grace, and goodness of God, I die a member.

“To my great and unspeakable grief, I have offended God in many things, by many great offences; but I give him most humble thanks, not in any of those crimes of which I was accused.

“All the members of either house having liberty to propose in the house what they think fit for the good of the kingdom, accordingly I proposed what I thought fit, the house is judge of the fitness of it; and I think I never said any thing that was unfitting there, or contrary to the law and use of parliament; for certainly if I had, the lords would (as they might) have punished me: so I am not culpable before God or man.

“It is much reported of indulgences, dispensations, and pardons, to murder, rebel, lie, forswear, and commit such other crimes held and given in the church; I do here profess in the presence of God, I never learned, believed, or practised any such thing, but the contrary; and I speak this without any equivocation, or reservation whatsoever. And certainly were I guilty either myself, or knew of any one that were guilty, whosoever, that were so of any of those crimes of which I am accused, I were not only the greatest

fool imaginable, but a perfect madman, and as wicked as any of those that so falsely have accused me, if I should not discover any ill design I knew in any kind, and so upon discovery save my life; I have so often had so fair occasions proposed to me; and so am guilty of self-murder, which is a most grievous and heinous sin; and though I was last impeached at the lords' bar, yet I have great grounds to believe, that I was first brought to trial on the belief, that to save my life I would make some great discovery; and truly so I would had I known any such thing of any ill design or illegal dangerous plot, either of myself or any other person whatsoever, without any exception. But had I a thousand lives, I would loose them all rather then falsely accuse, either myself or any other whatsoever. And if I had known of any treason, and should thus deny it, as I do now upon my salvation, at this time, I should have no hope of salvation, which now I have through the merits of Christ Jesus.

"I do beseech God to bless his majesty, who is my lawful king and sovereign, whom I was always by all laws, human and divine, bound to obey; and I am sure, that no power upon earth, either singly or altogether, can legally allow me, or any body else, to lift up a hand against him or his legal authority. I do hold that the constitution of the government of this kingdom, is the only way to continue peace and quietness, which God long continue.

"Next to treason, I hold murder in abhorrence, and have ever done, and do. And I do sincerely profess, that if I could at this time free myself immediately and establish what religion I would, and what government I would, and make myself as great as I could wish, and all by the death of one of those fellows, that by their perjuries have brought me to the place where I am, I so much abhor to be the cause of any man's death, that I would not any way be the cause of their murder; how much less would I endeavour the assassination of his majesty, whom I hold to be as gracious a king as ever this or any other nation had; and under whom the people may enjoy their liberties, as much as ever any did. And if it please God to grant him life and happiness, according as I have always wished and prayed for, I am morally persuaded, that he, and all his dominions, will be as happy and prosperous as ever people were; which I beseech God grant.

"I do most humbly ask pardon of the almighty and all-merciful God, for all the great offences I have committed against his divine majesty, and I know he would not have the death and confusion of a sinner, but that he may repent and live; in that assurance I hope, knowing he never despised a contrite heart; and though I have not so feeling a

contrition as I would, yet I have it as well as I can; and I doubt not but that God will accept of the good will.

“I do desire that all people will forgive me any injury that I have done them in any thing, either wilfully or by chance, and I do heartily forgive all people in this world that have injured me; I forgive even those perjured men that so fasely have brought me hither by their perjuries.

“I do now upon my death and salvation aver, that I never spoke one word either to Oates or Turberville, or to my knowledge ever saw them until my trial; and for Dugdale I never spoke unto him of any thing but about a foot-boy, or foot-man, or foot-race; and never was then alone with him. All the punishment that I wish them is, that they may repent and acknowledge the wrong that they have done me; then it will appear how innocent I am: God forgive them! I have a great confidence that it please Almighty God, and that he will in a short time bring truth to light, then you and all the world will see and know what injury they have done me.

“I hope that I have made it appear, that I have some conscience, for if I had none, certainly I would have saved my life by acknowledging myself guilty, which I could have done, though I know I am not in the least guilty. And I having some conscience, make very ill-use of it, for I throw myself into eternal pain, by thus plainly and constantly denying thus at my death, the knowledge of what I am accused of in the least.

“I have said thus much in discharge of conscience, and do aver upon my salvation, what I have said to be really true. I shall say little of my trial, and whether it were all according to the known law. I am too much a party to say much of it; if it were not so, God forgive him or them that were the cause of it.

“My judges were all persons of honour, who were all as much bound to judge rightly, as if they had been upon oath upon what was legally proved; and not to vote but according as in their consciences they were satisfied; and if any of them did otherwise, upon any account whatsoever, I beseech God to forgive them; I do heartily.

“I shall end with my hearty prayers for the happiness of his majesty, that he may enjoy all happiness in this world, and the world to come; and govern his people according to the laws of God, and that the people may be sensible what a blessing God hath so miraculously given them, and obey him as they ought. I ask pardon with a prostrate heart of Almighty God, for all the great offences that I have committed against his divine majesty, and hope through the

merits and passion of Christ Jesus, to obtain everlasting happiness, into whose hands I commit my spirit, asking pardon of every person that I have done any wrong to; I do freely forgive all that have any ways wronged me; I do with all the devotion and repentance that I can humbly invoke the mercy of our blessed Saviour. "I beseech God not to revenge my innocent blood upon the nation, or on those that were the cause of it, with my last breath. I do with my last breath truly assert my innocence, and hope the omnipotent all-seeing just God will deal with me accordingly."

His speech being ended, he delivered several copies of it to the sheriffs, &c. Then he returned to the middle of the scaffold; where, encompassed by his catholic friends, he kneeled down, and reverently making the sign of the cross, pronounced aloud, with exceeding devotion, an excellent prayer adapted to his present circumstance, to which he joined several pious ejaculations, wherein with singular compunction and abundance of tears, he implored the divine mercy and pardon for his sins past: he recommended his soul to his dear Redeemer Jesus Christ; he blessed his holy name; and offered his life to him a willing sacrifice of gratitude, piety, and love.

Remaining still on his knees, he again protested his innocence with all his asseverations a dying christian is capable of making. Then rising up, he again saluted the people, telling them they had as good and gracious a king as ever reigned; and earnestly exhorted them to be faithful and constant in their allegiance to him; praying to God heartily to bless his majesty, and preserve him from his enemies; to bless the nation, to bless and be with all there present, especially all loyal subjects; declaring again his own innocence: desiring the prayers of all good christians; begging God's mercy and pardon for his sins; asking forgiveness of all, and beseeching the divine goodness not to revenge his innocent blood upon the whole kingdom; no, not upon those by whose perjuries he was brought thither; to whom he wished from his heart no other hurt, than that they should repent and tell truth.

Most of the auditors seemed to be touched with a sensible compassion for him; some, as he spoke, put off their hats and bowed to him, in sign that they agreed to what he said; others by distinct acclamations answered, We believe you my lord, God bless you my lord, &c. Afterwards he applied himself to his friends about him, whom he lovingly embraced, and with a pleasant voice and cheerful aspect took his last leave of them for this world. Then being made ready, he knelt down before the block, and making the sign

of the cross, recommended himself with great devotion to the divine mercy: he kissed the block, and used several devout ejaculations, such as, Sweet Jesus receive my soul: into thy hands, O Lord, I commend my spirit, &c. Then laid his head down upon the block, continuing still in prayer, and expecting the stroke of death, with wonderful courage and constancy, not shewing the least sign of fear, or seeming in the least to quake or tremble. After he had laid thus a good space, finding that the headsman delayed the execution of his office, he once more raised himself up upon his knees, and with a grave and serene aspect asked, why they stayed? It was answered, for a sign. What sign will you give, sir? He replied, none at all; take your own time; God's will be done; I am ready. The headsman said, I hope you forgive me; he answered, I do. Then blessing himself again with the sign of the cross, he reposed his head upon the block; which with one blow was severed from his body. He was interred privately in the tower.

Thus died as he had lived William lord viscount Stafford, in the 68th year of his age. This, says Smollet, was the last English blood shed on account of that pretended conspiracy, which was invented by a few needy miscreants, for the purpose of raising themselves from indigence and contempt; and afterwards fostered by a dangerous faction to blow up the flames of discord through the kingdom. To answer this perfidious aim, they scrupled not to abuse a whole people; to exasperate them into a savage disregard of truth and common justice; and to exercise such acts of barbarity as will remain upon record an indelible stain upon the nation.

In concluding this chapter it may not be improper to relate a fact which evinces in the strongest light the fury and bigotry of the times. When the whig sheriffs carried up their barbarous and sanguinary scruple to the house of commons as to the power of the monarch to remit the sentence of lord Stafford from hanging and bowelling to that of decapitation, the celebrated lord Russell was the member who seconded this cold-blooded and cruel proposition. This nobleman had been conspicuous throughout the whole of the plot in taking the lead against the papists and the unhappy victims of the factious spirit and credulity which then prevailed, and for his bitter hatred to the duke of York. Three years afterwards, lord Russell, who had been so instrumental in sending innocent men to the gallows for no other crime than that of professing the catholic religion, fell himself a sacrifice to his own rebellious conduct. He who had assisted to delude the nation as to the existence of a popish plot to destroy the king, to subvert the government, and the protestant religion, which the foregoing pages

have proved to be one continued scene of falsehood and perjury, was himself convicted as a conspirator against the government, upon the evidence of his own accomplices, for being concerned in a *real* design to dethrone the king, called the Rye-House-Plot. After *his* condemnation, great interest was made to save his life, but the king would go no further than remit the more ignominious part of the sentence, which the law requires to be pronounced against traitors. "My lord Russell," said he, "shall find that I am possessed of that prerogative, which, in the case of lord Stafford, he thought fit to deny me."—What a contrast do we find in the character of these two peers. Lord Stafford's life had been marked by a steady adherence to the allegiance due to his sovereign, and his attachment to the true principles of the British Constitution. Lord Russell's life was spent in forwarding the views of factious demagogues, in persecuting innocent men, and in conspiring against his lawful sovereign. Yet lord Russell is, to this day held out, by the Whigs and Liberty-men of this country, as a pattern of political virtue, and a martyr to ministerial corruption.

CHAPTER X.

Proceedings of the Commons—Parliament dissolved—Spirit and violence of the Whigs—Parliament meet at Oxford—Expedients proposed by the King for restricting a Popish successor—The Commons reject them—Parliament is suddenly dissolved—Trial and condemnation of Archbishop Plunkett—His dying Speech.

ALTHOUGH the people were evidently disgusted and shocked at the execution of lord Stafford, and began to suspect the purity of the motives of his persecutors, yet the commons were not satisfied with the innocent blood which had already been shed, but demanded other victims to the brutal prejudice under which they laboured. They voted, says Smollet, that a bill should be brought in for banishing the most considerable papists from the kingdom: and voted that, while the catholics retained any hope of seeing the duke of York ascend the throne, the person of the king, the protestant religion, and the lives and liberties of the people, would be in imminent danger. Then they resolved to prepare a bill for an association to defend the king's person, the protestant religion, and all persons of that persuasion, against invasion and opposition; as well as prevent the duke of York, or any other popish prince, from succeeding to the throne of England. They proposed several other bills, as restrictions on the prerogative; and, in an

address, besought his majesty to grant his assent to an act of parliament for excluding his brother from the succession. Charles, in his answer, said he was sorry to find them so much attached to the bill of exclusion, against which his own opinion was confirmed by that of the lords; and he recommended to them the consideration of some other means for maintaining the protestant religion. Before they received this answer, they had brought in a bill for exempting protestant nonconformists from the penalties imposed by an act in the reign of queen Elizabeth; and it passed through both houses: but the clerk of the crown concealed it, by the king's order; so that when he came to the house, it was not to be found. He had always declared for a general indulgence, the benefit of which would have extended to his catholic subjects: but he thought the presbyterians, whose interest predominated in this parliament, had little reason to expect he would indulge them with an exclusive toleration. The commons drew up articles of impeachment against lord chief-justice Scroggs, for having endeavoured to stifle the conspiracy; and for having dismissed the grand jury of Middlesex in an irregular manner, when the duke of York was presented as a popish recusant. They concurred with the lords in voting that there actually was, and had been for several years, a horrible conspiracy in Ireland, hatched by the papists, to massacre the protestants, and overturn the established government of that kingdom; and that the hope of seeing the duke of York upon the throne of England, had encouraged the said conspiracy. The lower house, after violent debates upon the king's last answer, resolved, that the act of exclusion was the only sufficient security for the king's life, the protestant religion, and the established government: that, until such an act should pass, the commons could not grant any supplies, without endangering the king's person and the protestant religion, and betraying the people they represented: that all those who had advised his majesty to persist in opposing the bill of exclusion, had given pernicious counsel, were favourers of popery, and enemies to the king and kingdom.

These violent proceedings, continues Smollett, plainly demonstrated that they either intended to involve the kingdom in a civil war, or hoped the king's easy temper would be intimidated or influenced into a desertion of his brother's interest. Their insolence, however, served only to excite his resentment, without impairing his resolution. The duchess of Portsmouth fell upon her knees, and begged he would not ruin himself for the sake of his brother. Mr. Sidney, his ambassador at the Hague, transmitted to him a memorial written by Fagel, pensionary of Holland, to prove

that the king could not support the duke of York, without abandoning the interests of Europe. He resisted all importunities and remonstrances with surprising fortitude; and, rather than injure his brother, resolved to prorogue the parliament. This was a power which he had not, like his father, resigned. The commons receiving intimation of his design, before he went to the house of lords, voted, in a tumultuous manner, that whoever advised his majesty to prorogue the parliament, was a traitor to the king, the kingdom, and the protestant religion, a pensioner of France, and one who favoured the interests of that crown: that, in the opinion of the house the acts made in the reign of queen Elizabeth, against popish recusants, ought not to extend to protestant dissenters; and that the prosecution of protestant nonconformists is an oppression upon the subject: that it weakens the protestant interest, encourages popery, and is productive of dangerous consequences to the kingdom: that thanks be given to the city of London for their loyalty, care, and vigilance, in the preservation of the king and the protestant religion: that, in the opinion of the house, the great fire of London was enkindled by the papists, in order to introduce popery and arbitrary power: that an address be presented to his majesty, desiring him to restore the duke of Monmouth to all his offices, of which he had been divested by the influence of the duke of York. These votes had scarce passed when the usher of the black rod came and summoned them to the upper house, where the king passed some bills; and then the chancellor prorogued them till the 20th of January. In three days after this prorogation, the mayor and common-council of London presented an address to his majesty, beseeching him to re-assemble the parliament at the appointed time, that they might regulate the important affairs of the kingdom. This remonstrance served only to irritate the king, who issued a proclamation, dissolving the parliament. At the same time he convoked another to meet on the 21st day of March, at Oxford.

Though he knew the interest of the presbyterians still prevailed in all the corporations, he resolved to try every expedient for obtaining a parliament that should be less implacable; and he was desirous of meeting them at a distance from London, which had been always unpropitious to him and his family. It was not without reason that he dreaded the inhabitants of this opulent city. They re-elected the four members who had represented them in the two last parliaments. They presented them with an address of thanks for their endeavours to obtain an act of exclusion against the duke of York. They expressed their hope that the members would never agree to any supplies, until the kingdom should be secured against popery and arbitrary power; and de-

clared they would support them with their lives and fortunes. The example of London was followed by almost all the corporations in the kingdom; so that the king foresaw he should be at the head of the same parliament he had dissolved. The duke of Monmouth, with fifteen peers, presented an address to the king, petitioning that his majesty would not assemble the parliament at Oxford, where the two houses could not meet with safety, or debate with freedom, while exposed to the attempts of the papists, a great number of whom, they said, had insinuated themselves into his majesty's guards. This was a mortifying remonstrance to Charles, who would not favour the petitioners with any answer, but eyed them with looks of indignation.

When the parliament assembled at Oxford, the members on both sides *were armed*, and attended by their friends and adherents, as if they had expected an immediate rupture. The representatives of London, in particular, were surrounded by a numerous band of horsemen, distinguished by knots of ribbons inscribed "No popery, no slavery." The king's speech to this parliament was couched in a very unusual stile. He complained of the insupportable proceedings of the last house of commons; and plainly told them, that as he never intended to exercise arbitrary power over others, so he would not allow it to be exercised over himself. He said, if they would consider the provocations he had undergone, they would find more cause to wonder at his long patience, than at the resentment which he had lately expressed. He observed, that his assembling them upon this occasion plainly proved that no irregularities on their part should ever inspire him with a disgust for parliaments. He hoped the bad success of former animosities would dispose them to moderation, and induce them to consider what steps it would be necessary to take in the present conjunction. He expressed an earnest desire of removing all reasonable fears arising from the possibility of a popish successor; and added, that he would willingly listen to any practicable scheme for putting the government entirely into protestant hands, during the life of any prince who should profess the catholic religion. Some expedients had been suggested for this purpose; but they were even more disagreeable to the duke than was the bill of exclusion.

The commons having chosen the same speaker who filled the chair in the last parliament, ordered the votes to be printed every day, that the public might be acquainted with the subject of their deliberations. Then they set on foot a strict inquiry about the removal of the bill which had passed both houses in the last parliament, for repealing the statute of queen Elizabeth against nonconformists.

Their next step was to examine the expedients proposed in lieu of the bill of exclusion. It was proposed, that the duke should be banished, during life, to the distance of five hundred miles from any part of the British dominions: that the government should be wholly vested in a regent: that this office should be conferred upon the princess of Orange; and, in case of her death, devolve to her sister Anne: that should the duke of York have a son educated in the protestant religion, the said regent should act during his minority: that, though the kingdom should be governed in the name of James II, yet no man should take arms for him, or by virtue of his commission, on pain of being capitally punished: and, that the same penalty should be decreed against any person who should affirm that the simple title of king takes away all defects mentioned in this act, or in any shape eludes the obligation of it: that all officers, civil and military, should take an oath to observe this statute: that acts of the same nature should pass in the parliaments of Scotland and Ireland: that, in case the duke of York should enter either of the three kingdoms, he should be excluded "*ipso facto*," and the sovereignty devolve to the regent: *that all papists of consideration should be banished by name, and their children educated in the protestant religion.* Rigorous as these expedients were, the commons rejected them, and resumed the bill of exclusion. In a word, the leaders of the opposition were resolved to be dissatisfied with every thing the king could propose, in hope of humbling him into the most abject submission.

They therefore converted their attention to the bill of exclusion, against which no member presumed to speak, except secretary Jenkins, who underwent the most acrimonious raillery and derision. They had actually ordered the bill to be read a second time, when Charles, seizing the pretence of the quarrel between the two houses, stole upon them and dissolved the parliament, before they had the least intimation of his design. He forthwith stepped into his coach, and retired to Windsor; from whence he next day repaired to London, where he published a declaration, containing his reasons for dissolving the two last parliaments. He taxed the commons with having encouraged a spirit of cabal and sedition, which sought to shake the foundation of the monarchy, and raise an arbitrary power of the ruins of the constitution. The demagogues were confounded and abashed at this instance of vigour in a prince like Charles, who had been always remarkable for facility and irresolution.

In England, says Hume, where the catholics were scarce one to a hundred, means had been found to excite an universal panic, on account of insurrections and even massacres,

projected by that sect; and it could not but seem strange that in Ireland, where they exceeded the protestants ten to one, there should no symptoms appear of any combination or conspiracy. Such an incident when duly considered, might even in England shake the credit of the plot, and diminish the authority of those leaders, who had so long, with such industry, inculcated the belief of it on the nation. *Rewards* therefore were published in Ireland to *any* that would *bring* intelligence or *become witnesses*; and some *profligates* were sent over to that kingdom, with a *commission to seek out evidence* against the catholics. Under pretence of searching for arms or papers, they broke into houses and plundered them. They threw innocent men into prison, and took bribes for their release; and after all their diligence it was with difficulty, that that country, commonly fertile enough in witnesses, could furnish them with any fit for their purpose. At last, continues Hume, a certain Fitzgerald appeared, followed by two Macnamaras, Ivey, Sanson, Dennis, Bourke, and some others. These men were immediately sent over to England; and though they possessed neither character sufficient to gain belief even for truth, nor sense to invent a credible falsehood, they *were caressed, rewarded, supported*, and recommended by the earl of Shaftesbury.

Oates's plot being now upon its last legs, the Whig party (who were still in great power, and could influence the courts of judicature) were resolved to sacrifice one life more, not doubting but the death of an archbishop would weigh much with the common people; and keep alive the belief of a popish plot, and confirm the votes of the last Westminster parliament. Accordingly, on the 18th day of June, 1681, the venerable Dr. Plunkett, catholic archbishop of Armagh, and titular primate of Ireland, was brought to the bar of the king's bench, on a charge of high treason. Dr. Plunkett had been arraigned on the 3d of May preceding, when he urged that having been indicted for the same high treason in Ireland and arraigned, and the witnesses not appearing against him on the day of trial, he was in consequence acquitted, therefore desired to know if he could be tried here for the same fact. The court told him that by a statute made in this kingdom, he might be tried by the court of king's bench, or by commission of *oyer and terminer* in any part of England, for facts arising in Ireland; and that his arraignment there (he being never tried upon it) was not sufficient to exempt him from being tried here; because till a trial be passed, and there be a conviction or acquittal thereupon, an arraignment, barely, is no plea; for in such cases the party is not put twice in danger of his life, which only is the thing the law in such cases look after to pre-

vent. He then desired time for his witnesses, which the court told him he could do until after he had pleaded; whereupon he pleaded not guilty, and put himself upon the country for his trial. After some consideration the court appointed the above day for his trial, and proclamation being made, Dr. Plunkett again addressed the court, and after stating another case against the illegality of being tried in England, requested farther time, in consequence of the non-arrival of his witnesses from Ireland. The venerable prisoner observed, that there were records very material for his defence, but the clerk of the crown would not give him any copy of any record, unless he had some express order from the court; that the servants which he had sent to collect witnesses took shipping for Ireland, but were two days at sea, when the vessel was obliged to put back; that they were then forced to go to Holy-head, from whence they were thirteen or fourteen days in their passage to Dublin; the winds being so contrary. That after the arrival of his servants in Dublin they had to travel into counties which were a hundred miles from that place, so that it was morally impossible for him to get his witnesses over by the appointed time. The archbishop further observed that his was a rare case, and one that seldom occurred. "If," continues the accused prelate, "I had been in Ireland, I would have put myself upon my trial to-morrow, without any witnesses, before a protestant jury. And when the orders went over that I should be tried in Ireland, it was stated that no roman catholic should be upon the jury, and such was the case on both the grand and petty jury; yet then when I came to my trial, after I was arraigned, no one appeared against me. This is manifest upon record and can be proved." The reverend prisoner concluded with beseeching the court to grant him time to procure the records and bring his witnesses, and that he would then defy all that was upon the earth or under the earth, to prove any thing against him.

To this just and reasonable request, the lord chief justice informed the aged prelate, that it was in vain to talk and make such discourses now; that the court could not furnish him with witnesses, but he must look to the getting witnesses for himself; and that if the court were to wait for the arrival of the witnesses, they would perhaps never come, and so he would escape out of the hands of justice. The trial therefore was ordered to proceed; the prisoner observing that as he could not get his witnesses over, his life was in imminent danger.

The sum of the charge against him was, that the prisoner was made a primate of Ireland by the pope, at the recommendation of the French king; and that, upon his election,

he made these conditions with his christian majesty, namely, to raise sixty or seventy thousand Irish to be ready to join with the French to destroy the protestant religion; the venerable prelate having engaged to get Dublin, Londonderry, and all the sea ports into their own hands, to levy war, and carry on the design, and that they should have the king of France to protect them during life. Moreover, upon this contract, the prisoner, for managing this war, and to ensure the maintenance of this vast body of men, had taxed the Irish clergy several sums of money, viz. some of them ten, some twenty, and some forty shillings per annum; and had himself pitched upon Carlingford haven for the landing of the French; which invasion was to have been made in the year 1679, a year after the discovery of the plot in England. And besides a French army, there was likewise a Spanish force provided, that were to land with them. These, and some other minor matters, were sworn against the prisoner by Florence Wyer, Henry O'Neil, and Neil O'Neil, laymen; Edmund Murphy and John Macleagh, parish priests; Hugh Duffy and John Moyer, franciscan friars.

The archbishop in his defence, besides alledging the many peculiar hardships he laboured under, insisted not only upon the malice of his accusers, some of whom had been censured by him for their lewdness, and others had been forbidden by him to beg in his diocese, in consequence of their irregular lives and loose behaviour, which rendered them unworthy objects of charity; but he also remarked upon the gross and palpable improbabilities of the facts charged against him. He acknowledged that he had the title of primate of all Ireland, but his jurisdiction was limited to the province of Ulster, where the whole number of roman catholics did not amount to seventy thousand souls, including men, women, and children.—He further observed that the catholic clergy in Ireland were very poor; that he himself never received a farthing of money but in his own district, and for his own livelihood, in which some priests gave him twenty and some thirty shillings a year; and that he never received above sixty pounds per annum in his life, unless some gentleman would now and then give him ten shillings for his relief. That he was never able to keep above one servant, and the place he lived in was a little thatched house, wherein was only one small room for a library, not seven feet high; and therefore it was impossible for those things charged against him to be true. He also lamented the absence of his witnesses who could have proved the infamous and flagitious lives of the evidence produced against him. Besides he said he had an attestation of his good behaviour in Ireland, under the hands of the Earl of Essex and the

lord Berkeley, when they were lord-lieutenants in that kingdom.

Although, says Echard, the accusation looked very romantic, not to say malicious, yet the witnesses were so perfect and positive in their oaths, that the jury found the prisoner guilty. The venerable prelate, on hearing the verdict, said *Deo Gratias* (Thanks be God), and was taken from the bar. On the 15th of the same month he was brought into court to receive sentence; and on being asked by the clerk of the crown what he had to say for himself, why judgment should not be passed upon him, the reverend prisoner addressed the court in the following words:—"My lord, may it please your lordship, I have something to say, which, if your lordship will consider seriously, may occasion the court's commiseration and mercy. I have, my lord, for this fact been arraigned in Ireland, and brought to my trial there. At the day of my trial all the witnesses voluntarily absented themselves, seeing I had records and witnesses to convince them evidently and shew what men they were, and the prepensed malice that they did bear to me, and so finding that I could clear myself evidently, they absented themselves; on the day of my trial no christian appeared, but hither over they came, to procure that I should be brought hither, where I could not have a jury that knew the qualities of my adversaries, or who knew me, or the circumstances of the places, times, and persons; the jury here, as I say, were altogether strangers to these affairs, and so, my lord, they could not know many things that conduce to a fair trial, and it was morally impossible they should know it. I have been accused principally and chiefly for surveying the ports, for fixing upon Carlingford for the landing of the French, for the having of seventy thousand men ready to join with the French, for collecting money for the agents in this matter, for assisting the French and this great Utopian army. A jury in Ireland, consisting of men that lived in that country, or any man in the world that hath but seen Ireland in a map, would easily see there was no probability that that should be a place fit for the French to land in, though he never was in Ireland, yet by the map, he would see they must come between the narrow seas all along to Ulster, and the rocks, and such places would make it very dangerous; and by their own confession it was a poor town, and of no strength, a very small garrison, which had not been so if it had been a place of any consideration. And whereas I had influence only upon one province, as is well known, though I had the title of primate of all Ireland, as the archbishop of Canterbury hath of all England; yet the archbishop of York will not permit him to meddle with his province; and 'tis well known

by the gentry there, and those that are accustomed to the place; that in all the province of Ulster, take men, women, and children of the roman catholics, they could not make up seventy thousand. This, a jury there, my lord, had known very well, and therefore the laws of England, which are very favourable to the prisoner, have provided that there should be a jury of the place where the fact was committed, as sir Thomas Gascoine, as I have heard, had a Yorkshire jury, though he was tried at London. And then after my coming here, I was kept close prisoner for six months, not any christian was permitted to come at me, nor did I know any thing, how things stood in the world. I was brought here the third of May, to be arraigned, and I did petition your lordship to have some time for my trial, and I would have put it off till Michaelmas, but your lordships did not think fit to grant so long, but only till the 8th of this month, when my witnesses, who were ready at the sea side, would not come over without passes, and I could not get over the records without an order from hence; which records would have shewn that some of the witnesses were indicted and found guilty of high crimes, some were imprisoned for robberies, and some of the witnesses were infamous people, so I petitioned the 8th of this month, that I might have time but for twelve days more, but your lordship thought, when the motion was made, that it was only to put off my trial, and now my witnesses are come to Coventry yesterday morning, and they will be here in a few days, and so for want of time to defend myself in, I was exposed to my adversaries, who were some of my own clergy, whom for their debauched lives I have corrected, as is well known there. I will not deny myself, but that as long as there was any toleration and connivance, I did execute the function of a bishop, and that by the second of Elizabeth is only a præmunire, and no treason. So that, my lord, I was exposed defenceless to my enemies, whereas now my witnesses are come on, that could make all appear. I did beg for twelve days time, whereby you might have seen as plain as the sun, what those witnesses are, that began the story, and say these things against me. And, my lord, for those depositions of the seventy thousand men, and the monies that are collected of the clergy in Ireland, they cannot be true, for they are a poor clergy that have no revenue nor land; they live as the presbyterians do here, there is not a priest in all Ireland that hath certainly or uncertainly above threescore pounds a year, and that I should collect of them forty shillings a piece, for the raising of an army, or for the landing of the French at Carlingford; if it had been brought before a jury in Ireland, it would have been thought a mere romance. If they had accused me

of a præmunire for the exercise of my episcopal function, perhaps they had said something that might have been believed, but, my lord, as I am a dying man, and hope for salvation by my Lord and Saviour, I am not guilty of one point of treason they have sworn against me, no more than the child that was born but yesterday. I have an attestation under my lord Essex's hand concerning my good behaviour in Ireland, and not only from him but from my lord Berkley, who was also governor there, which the king's attorney saw; but here I was brought, here I was tried, and having not time to bring my witnesses, I could not prove my innocency, as otherwise I might. So that, if there be any case in the world that deserves compassion, surely my case does: and it is such a rare case, as I believe you will not find two of them in print, that one arraigned in Ireland, should be tried here afterwards for the same fact. My lord, if there be any thing in the world that deserves pity, this does, for I can say, as I hope for mercy, I was never guilty of any point they have sworn against me, and if my petition for time had been granted, I could have shewn how all was prepense malice against me, and have produced all circumstances that could make out the innocency of a person. But not having had time enough, and being tried, I am at your mercy."

Proclamation was then made for silence, and the lord chief justice addressed the prisoner in a short speech, in which he told the archbishop that he had done as much as he could to dishonour God in this case, for the bottom of the treason of which he had been convicted was, the setting up of his false religion, than which, said the judge, there is not any thing more displeasing to God, or more pernicious to mankind in the world. A religion that is ten times worse than all the heathenish superstitions; the most dishonourable and derogatory to God and his glory of all religions or pretended religions whatsoever, for it undertakes to dispense with God's laws, and to pardon the breach of them. So that certainly, continued Scroggs, a greater crime there cannot be committed against God, than for a man to endeavour the propagation of that religion. After this insulting and infamously false declaration against the catholic religion, the judge proceeded to defend the conduct of the court for refusing to put off the trial of the prisoner, and observed, that the court could not help it, if the witnesses did not come; "they wanted not time," said he, "nor opportunity to come over, but you told us they would not come unless they had a passport."—This observation gave rise to the following interesting conversation:

Plunkett.—My lord, they got a pass to come over afterwards, and so in eight days they came hither.

L. C. J.—You might have provided yourself, if they wanted such a thing. In the first place, nobody is bound to give it them; much less could you expect it for them without asking.

Plunkett.—I could not get the copies of the records neither by any means, unless I had an order from the council, and they would not give that order, unless your lordship appointed it.

L. C. J.—We cannot tell that, you should have petitioned in time.

Plunkett.—How could any one foresee, unless he was God Almighty, that they would deny it, or that he could not get out a copy of a record, paying for it, without a petition. All the friends I had told me, upon motion there it might be had; but here I have it under the lieutenants and councils hands, that they would give no copy of records without order from hence, which before I could know it, it was impossible for me to have them ready against my trial.

L. C. J.—Look you, sir, I do speak this to you, to shew you that those objections, which you seem to make against your trial, have no weight at all; but in this case it is not the jury that are so material as the witnesses themselves. I appeal to all that heard your trial, if they could so much as doubt but that you were guilty of what you were charged with. For, consider, here were persons that were of your own religion, the most of them priests, I think almost all of them in orders.

Plunkett.—There were two friars, and a priest whom I have endeavoured to correct this seven years, and they were renegadoes from our religion, and declared apostates.

L. C. J.—Look you, sir, they gave an evidence very home to your matter; you had liberty to examine them, and they gave you a rational account of any thing you asked. Let me but put you in mind of one thing. You made exceptions to one's evidence, (and indeed that was very much of your exception to all) why did he not reveal this in all that time: Truly he told you he was of your mind, till he went into France, and saw what a slavery and mischief you endeavoured to introduce upon his and your own countrymen, and this his spirit rose against, to see what a condition Ireland was likely to be brought into. And pray, did he not give you a full answer to that question?

Plunkett.—I had sufficient witnesses to prove he was an apostate, and was chastised by me, and therefore had pre-pensed malice against me.

L. C. J.—Therefore I have spoken this to the satisfaction, I hope, of yourself and all that hear it. I do now wish

you to consider you are near your end. It seems you have lived in a false religion hitherto; it is not too late at any time to repent, I wish you may have the grace to do so: In the mean time there is no room for us here to grant any kind of mercy, though I'll tell you, we are inclined to pity all malefactors: whoever have done evil we are inclined to pity them, and wish heartily that they may repent, as we do that you may, of what you have done. But all we can do now, is to say what the law says, and that is to pass judgment on you.

Plunkett.—May it please your lordship to give me leave to speak one word. If I were a man that had no care of my conscience in this matter, and did not think of God Almighty, or conscience, or heaven or hell, I might have saved my life; for I was offered it by divers people here, so I would but confess my own guilt, and accuse others. But, my lord, I had rather die ten thousand deaths, than wrongfully accuse any body. And the time will come when your lordship will see what these witnesses are, that have come in against me. I do assure your lordship, if I were a man that had not good principles, I might easily have saved my life, but I had rather die ten thousand deaths, than wrongfully to take away one farthing of any man's goods, one day of his liberty, or one minute of his life.

L. C. J.—I am sorry to see you persist in the principles of that religion.

Plunkett.—They are those principles, that even God Almighty cannot dispense withal.

L. C. J.—Well, however, the judgment which we give you is that which the law says and speaks. And therefore you must go from hence to the place from whence you came, that is to Newgate, and from thence you shall be drawn through the city of London to Tyburn; there you shall be hung by the neck, but cut down before you are dead, your bowels shall be taken out and burnt before your face, your head shall be cut off, and your body be divided into four quarters, to be disposed of as his majesty pleases. And I pray God to have mercy upon your soul.

Plunkett.—My lord, I hope I may have this favour, of leave for a servant and some few friends that I have to come at me.

L. C. J.—I think you may have liberty for any servant to come to you, I know nothing to the contrary.

Plunkett.—And some few friends that I have in town.

L. C. J.—But I would advise you to have some minister to come to you, some protestant minister.

Plunkett.—My lord, if you please, there are some in prison that never were indicted or accused of any crime, and they will do my business very well; for they will do it

according to the rites of our own church, which is the ancient usage, they cannot do better, and I will not alter it now.

L. C. J.—Mr. Richardson, you may let his servant come to him, and any friend in your presence, to see there be no any done, nor any contrivances that may hereafter have an influence upon affairs.

Mr. J. Jones.—Be you present, or somebody.

Plunkett.—My servant I hope may come without his being present.

L. C. J.—Yes, yes, his servant may be with him alone. Well, sir, we wish better to you than you do to yourself.

Plunkett.—God Almighty bless your lordship. And now, my lord, as I am dead to this world, and as I hope for mercy in the other world, I was never guilty of any of the treasons laid to my charge, as you will hear in time; and my character you may receive from my lord chancellor of Ireland, my lord Berkley, my lord Essex, and the duke of Ormond.

The prisoner was then remanded to Newgate for execution.

I have been assured, writes Echard, from an unquestionable hand, that the earl of Essex himself was so sensible of this poor man's hardships, that he generously applied to the king for pardon, and told his majesty "that the witnesses must needs be perjured, for those things sworn against him could not possible be true." Upon which the king in a passion said, "Why did you not attest this at the trial? It would have done him good then. I durst pardon nobody." And so concluded with the same kind of answer he had given to other persons formerly—"His blood be upon your head and not upon mine."

Accordingly, on the 1st of July, Dr. Plunkett and Mr. Fitzharris, who was convicted of a treasonable libel, the day after the archbishop's trial, were drawn on two sledges to Tyburn, and there suffered the sentence of the law. On this occasion the serenity of the good prelate's countenance, the courage, cheerfulness, and piety with which he went to meet death, gave great edification to the spectators. At the place of execution he spoke as follows:—

"I have, some few days past, abided my trial at the King's-bench; and now, very soon, I must hold up my hand at the King of King's bench, and appear before a judge who cannot be deceived by false witnesses, or corrupted allegations; for he knoweth the secrets of hearts: neither can he deceive any, or give an unjust sentence, or be misled by respect of persons. He, being all goodness, and a most judge, will infallibly decree an eternal reward for all good works, and condign punishment for the smallest transgression against his com-

mandments. Which being a most certain and undoubted truth; it would be a wicked act, and contrary to my perpetual welfare, that I should now, by declaring any thing contrary to truth, commit a detestable sin, for which, within a very short time, I must receive sentence of everlasting damnation; after which there is no reprieve or hope of pardon. I will therefore confess the truth without any equivocation, and make use of the words according to their accustomed signification; assuring you moreover, that I am of that certain persuasion, that no power, not only upon earth, but also in heaven, can dispense with me, or give me leave to make a false protestation: and I protest upon the word of a dying man, and as I hope for salvation at the hands of the supreme judge, that I will declare the naked truth with all candour and sincerity. And that my affairs may be better known to all the world, it is to be observed that I have been accused in Ireland of treason and *præmunire*; and that there I was arraigned and brought to my trial. But the prosecutors (men of flagitious and infamous lives) perceiving that I had records and witnesses which would evidently convict them, and clearly shew my innocence and their wickedness; they voluntarily absented themselves, and came to this city to procure, that I should be brought hither to my trial (where the crimes objected were not committed) where the jury did not know me, or the qualities of my accusers; and were not informed of several other circumstances, conducing to a fair trial. Here, after six months close imprisonment (or thereabouts) I was brought to the bar the third of May, and arraigned for a crime for which I was before arraigned in Ireland. A strange resolution! a rare fact! of which you will hardly find a precedent these five hundred years past. But, whereas my witnesses and records were in Ireland, the lord chief justice gave me five weeks time to get them brought hither; but by reason of the uncertainty of the seas, of wind and weather, and the difficulty of getting copies of records, and bringing many witnesses from several counties of Ireland, and for many other impediments (of which affidavits were made) I could not at the end of the five weeks get the records and the witnesses brought hither. I therefore begged for twelve days more, that I might be in readiness for my trial, which the lord chief justice denied, and so I was brought to my trial, and exposed, as it were with my hands tied, to those merciless perjurers, who did aim at my life, by accusing me of these following points:—First, that I have sent letters by one Neil O'Neil, who was my page, to monsieur Baldeschi, the pope's secretary, to the bishop of Aix, and to prince Colonna, that they might solicit foreign powers to invade Ireland; and also have sent letters to car-

dinal Bouillon to the same effect. Secondly, to have employed captain Con O'Neil to the French king for succour. Thirdly, to have levied, and exacted money from the clergy of Ireland to bring in the French, and to maintain seventy thousand men. Fourthly, to have had in a readiness seventy thousand men, and lists made of them: and to have given directions to one friar Duffy, to make a list of two hundred and fifty men in the parish of Loghart, in the county of Louth. Fifthly, to have surrounded all the forts, and harbours of Ireland; and to have fixed upon Carlingford, as a fit harbour for the French's landing. Sixthly, to have had several councils and meetings, where there was money allotted for introducing the French. Finally, that I had a meeting in the county of Monaghan, some ten or twelve years past, where there were three hundred gentlemen of three several counties, to wit: Monaghan, Cavan, and Armagh; whom I did exhort to take arms to recover their estates. To the first I answer, that Neil O'Neil was never my page or servant, and that I never sent letter or letters by him to Monsieur Baldeschi, or to the bishop of Aix, or to prince Colonna; and I say, that the English translation of that pretended letter, produced by friar Mac Moyer, is a meer invention of his, and never penned by me, or its original, either in English, Latin, Italian, or any other language. I affirm, moreover, that I never wrote a letter, or letters to cardinal Bouillon, or any of the French king's ministers: neither did any, who was in that court, speak to me, or write to me, directly or indirectly, of any plot or conspiracy against my king or country. Farther, I avow that I never sent agent or agents to Rome, or to any other court, about any civil or temporal affairs: and 'tis well known (for it is precept publicly printed) that clergymen (living in countries where the government is not of roman catholics) are commanded by Rome, not to write to Rome concerning any civil or temporal affairs. And I do aver, that I never received letter or letters from the pope, or from any other of his ministers, making the least mention of any such matters; so that the friars Mac Moyer and Duffy swore most falsely, as to such letters, agent, or agents. To the second I say, that I never employed captain Con O'Neil to the French king or to any of his ministers; and that I never wrote to him or received letters from him, and that I never saw him but once, nor even spoke to him, to the best of my remembrance, ten words. And as for his being in Charlemount, or Dungannon, I never saw him in them towns, or knew of his being in those places: So that, as to Con O'Neil, friar Mac Moyer's depositions are false. To the third, I say that I never levied any money for a plot or conspiracy for bringing in Spaniards or French;

neither did I ever receive any upon that account from priests or friars, as priest Mac Clove and friar Duffy most untruly asserted. I assure you that I never received from any clergyman in Ireland but what was due to me by ancient custom, for my maintenance, and what my predecessors, these hundred years past, were wont to receive: nay, I received less than many of them: and if all, what the catholic clergy of Ireland gets in the year, were put into one purse, it would signify little or nothing to introduce the French, or to raise an army of seventy thousand men, which I had enlisted and ready, as friar Mac Moyer most falsely deposed. Neither is it less untrue what friar Duffy attested: viz. that I directed him to make a list of two hundred and fifty men in the parish of Loghart, in the county of Louth. To the fourth, I answer that I never surrounded all the forts or harbours of Ireland; and that I was never at Cork, Kinsale, Bantry, Youghal, Dungarvon, or Knockfergus; and these thirty-six years I was not at Limerick, Duncannon, or Wexford. As for Carlingford, I was never in but once, and stayed not in above half an hour; neither did I consider the fort or harbour; neither had I it in my thoughts or imagination to fix upon it, or upon any other fort or haven for landing of French or Spaniards. And whilst I was at Carlingford, (by meer chance passing through that way) friar Duffy was not in my company, as he most falsely swore. To the fifth, I say that I was never at any meeting, or council, where there was mention made of allotting or collecting money for a plot or conspiracy; and 'tis well known, that the catholic clergy of Ireland, who have neither lands nor revenues, and hardly are able to keep decent cloaths upon their backs, and life and soul together, can raise no considerable sum; nay, cannot spare as much as would maintain half a regiment. To the sixth I answer, that I was never at any meeting of three hundred gentlemen in the county of Monaghan, or of any gentlemen of the three counties of Monaghan, Armagh, and Cavan; nor of one county, nor of one barony: and that I never exhorted gentleman or gentlemen, either there or in any other part of Ireland, to take arms for the recovering their estates: and 'tis well known, that there are not even in all the province of Ulster, three hundred Irish roman catholics, who had estates, or lost estates by the late rebellion: and 'tis well known all my thoughts and endeavours were for the quiet of my country, and especially that province. Now, to be brief, as I hope for salvation, I never sent letter or letters, agent or agents, to pope, king, prince, or prelate, concerning any plot or conspiracy against my king or country: I never raised sum or sums of money, great or small, to maintain soldier or soldiers, all the days of my life;

I never knew or heard (neither did it come to my thoughts, or imagination) that the French were to land at Carlingford; and I believe there is none who saw Ireland even in a map, but will think it a meer romance. I never knew of any plotters or conspirators in Ireland, but such as were notorious and proclaimed (commonly called Tories) whom I did endeavour to suppress. And, as I hope for salvation, I always have been, and am, entirely innocent of the treasons laid to my charge, and of any other whatsoever. And though I be not guilty of the crimes of which I am accused yet I believe none came ever to this place, who is in such a condition as I am. For if I should even acknowledge (which in conscience I cannot do; because I should belie myself) the chief crimes laid to my charge; no wise man that knows Ireland would believe me. If I should confess that I was able to raise seventy thousand men in the districts of which I had care, to wit in Ulster, nay, even in Ireland; and to have levied and exacted money from the roman clergy for their maintenance, and to have prepared Carlingford for the French's landing, all would laugh at me: it being well known, that all the revenues of Ireland, both spiritual and temporal, possessed by his majesty's subjects, are scarce able to raise and maintain an army of seventy thousand men. If I will deny all these crimes, as I will, and do; yet it may be that some, who are not acquainted with the affairs of Ireland, will not believe that my denial is grounded upon truth, though I assert it with my last breath. I dare venture farther, and affirm, that if these points of seventy thousand men, &c. had been swore before any protestant jury in Ireland, and had been even acknowledged by me at the bar, they would not have believed me; no more than if it had been deposed by witnesses, and confessed by me, that I had flown in the air from Dublin to Holyhead. You see, therefore, what a condition I am in; and you have heard what protestations I have made of innocency; and I hope you will believe the words of a dying man. And that you may be the more induced to give me credit, I assure you, that a great peer sent me notice, he would save my life if I would accuse others. But I answered, that I never knew of any conspirators in Ireland, but such, as I said before, as were publicly known outlaws: and that, to save my life, I would not falsely accuse any, nor prejudice my own soul. *Quid prodest homini, &c.* To take away any man's life or goods wrongfully, ill becomes any christian, especially a man of my calling, being a clergyman of the catholic church, and also an unworthy prelate; which I do openly confess. Neither will I deny to have exercised in Ireland the functions of a catholic prelate, as long as there was any connivance or toleration; and by preaching, and statutes

to have endeavoured to bring the clergy (of which I had a care) to a due comportment, according to their calling: and, though thereby I did but my duty, yet some, who would not amend, had a prejudice against me, and especially my accusers, to whom I did endeavour to do good: I mean the clergymen, (as for the four laymen, who appeared against me, viz. Florence Mac Moyer, the two O'Neils, and Hanlon, I was never acquainted with them.) But you see how I am requited; and how by false oaths they brought me to this untimely death: which wicked act, being a defect of persons, ought not to reflect upon the order of saint Francis, or upon the roman catholic clergy: it being well known, that there was a Judas among the twelve apostles, and a wicked man called Nicolas, among the seven deacons. And even as one of the said deacons, viz. holy Stephen did pray for those who stoned him to death; so do I for those, who with perjuries spill my innocent blood; saying, as saint Stephen did: O Lord, lay not this sin to them. I do heartily forgive them and all the judges, who (by denying me sufficient time to bring my records, and witnesses from Ireland) did expose my life to evident danger. I do also forgive all those who had a hand in bringing me from Ireland to be tried here; where it was morally impossible for me to have a fair trial. I do finally forgive all who did concur directly or indirectly to take away my life; and I ask forgiveness of all those whom I ever offended by thought, word, or deed. I beseech the All-powerful, that his Divine Majesty grant our king, queen, and the duke of York, and all the royal family, health, long life, and all the prosperity in this world, and in the next everlasting felicity. Now that I have shewed sufficiently (as I think,) how innocent I am of any plot or conspiracy; I would I were able with the like truth to clear myself of high crimes committed against the Divine Majesty's commandments, (often transgressed by me) for which I am sorry with all my heart: and if I should, or could live a thousand years, I have a firm resolution, and strong purpose by your grace, O my God, never to offend you; and I beseech your Divine Majesty, by the merits of Christ, and by the intercession of his blessed mother, and all the holy angels and saints to forgive me my sins and to grant my soul eternal rest. *Miserere mei deus, &c. Parce animæ meæ, &c. In manus tuas, &c.*

Postscript. To the final satisfaction of all persons that have the charity to believe the words of a dying man; I again declare before God, as I hope for salvation, what is contained in this paper, is the plain and naked truth, without any equivocation, mental reservation, or secret evasion whatsoever: taking the words in their usual sense and meaning, as protestants do, when they discourse with all candour and sincerity.

After the dying prelate had ended his speech, he recited the *Miserere* psalm and other devout aspirations, and the cap being drawn over his eyes, he continued recommending his happy soul into the hands of his Saviour, till the cart was drawn away. He was suffered to hang till he expired, and then was cut down and bowelled.

THE CONCLUSION.

We come now to the end of this barbarous and diabolical transaction; a transaction unparalleled in the annals of any other country, for the horrid perjuries of the witnesses, the gross prejudices and partialities of the judges of the law, the cold-blooded and unfeeling conduct of the persecutors, and the patient and exemplary behaviour of the victims. Catholics are reproached for the cruelties exercised by the inquisition in Spain, and other countries; but they may challenge their enemies to produce a single instance recorded by any historian of that religion which will bear the slightest comparison with the infamous villanies noted in the preceding pages from the pens of protestant writers, and the official accounts of the trials of the unhappy and innocent sufferers. Catholics are reproached for yielding a blind credulity to the tales of their priests; but never was there an example of such stupid, cruel, and bigotted credulity on the part of a whole nation ever before exhibited as stands registered in the foregoing pages.—Here we find a string of moral impossibilities, contradictions, and nonsense, invented by men stigmatized with all sorts of felonies, forgeries, cheats, debaucheries, and wickedness, and fautured by the most unprincipled incendiaries of a corrupt faction, not only believed by the ignorant class of the community, but also by the legislature which is supposed to contain the wisdom of the nation, and this too without the shadow of proof, but merely on the positive swearing and narratives of a band of hellish perjurers.—“In this plot” says the author of the *Papists’ Plea*, published about the year 1680, are said to have been engaged for several years together divers nations, viz. England, Scotland, Ireland, France, Italy, Spain, Germany, &c. (an affront, shame and scandal to the greatest part of Christendom) wherein many thousands of both sexes, of different interests, of all sorts, states, and conditions, must necessarily have been privy to, and partners in the villainy. Now, that none of this vast number should have any remorse for so bloody a treason; none all this while the worth, wit, or grace to reveal it; no intervening accident, no levity, no disagreement of parties occur to detect it, till at last Dr. Oates, Capt. Bedloe, and by degrees their other companions, raked out of goals, whipped, pillored, and one way or another branded with *infamy*, made this *grand discovery*

(good men) out of tenderness of conscience. This is somewhat hard to believe. To prosecute this plot the witnesses attest that there were huge *armies* of Papists, (Dugdale mentions two hundred thousand) immediately to be raised; these numberless swarms were to be provided with proportionable stores of weapons, ammunition, &c. and all in readiness for a general massacre of protestants *at an hour's warning*; Oates and the rest likewise affirm that they were well acquainted with all the most deep and secret intrigues the papists had of this nature, yet, after all, when it comes to it, they cannot shew or direct where these millions of men and mountains of magazines are. The officers, after *thirty months* diligent scrutiny, could never find the least footsteps of any such thing; and it is impossible they should or could be invisibly dispersed or conveyed away upon so sudden and unexpected a discovery, especially in the very nick of time when they were to be made use of.

"We are farther told of hundreds of sealed commissions for all sorts of military officers; my lord Stafford (because no good accountant) must be *pay-master-general*; divers patents granted for dignities of state; many bulls and briefs for ecclesiastical preferments; and God knows how many, even bushels of letters and packets, all containing most *damnable treason*; sent nevertheless up and down at random; some by the common post, others by such messengers as Oates, Bedloe, Dugdale, and Dangerfield, who, as bosom counsellors, were still privy to the contents of what they carried to and fro, and became so dexterous at taking *remarks*, that they could exactly tell the particular date, when, where, to whom, and from whom; nay, they could punctually recite upon their finger ends, the very express words of almost every letter. Oates moreover declares, he was never a real catholic; but only pretended to be so, on purpose to make discoveries; and he was so successful in this stratagem, that he gained from the jesuits a *patent* to be taken into the consult. Is it possible then, that none of these men, thus circumstanced, could get or preserve one single letter, one sealed commission, one scrip of paper, one original writing (a thousand manner of ways easily compassed in such a conjuncture) whereby to credit their *monstrous evidence*? How come it about they did not at the first discovery (having both time and opportunity to do it) seize by surprise some of these *things*, together with the *persons*, where they were lodged? Did all the plotters burn their commissions, bulls, and briefs, as well as all their letters, as soon as they received them? Why did not Oates shew at least *his own* patent received from the jesuits? Surely it would have been of mighty force to strengthen his testimony. Why not the other witnesses also produce some of those *trea-*

sonable letters, writ (as they said) and directed to themselves? Nothing appear; nothing extant; nothing possible, but a few naked, harmless men, in their several private chambers; and this too, just when the grand design was to break into action. What mortal man can reconcile these endless contradictions?"

Yet on such absurd and impious grounds were the catholics deprived of their civil privileges; on such grounds the test act, that great bulwark of the constitution, as it is called by the bigots, was passed into a law; on such grounds did parliament fix a lasting stigma on the character of the nation, by entering on the records of the two houses, the solemn belief of the members in the glaring and incongruous assertions of the hardened and perjured contrivers of the plot; and on such grounds were the catholics arrested, imprisoned, insulted with a mock trial, and consigned to the gibbet and the knife. Besides aspersing the whole body, eighteen were executed as traitors, and an occasion taken from hence to let loose the penal and sanguinary laws against all the rest, who had no other guilt than that of their religion. Seven priests suffered merely upon this account, nothing of the plot being proved against them, one of whom, father Posket, was 82 years of age, and another, father Lloyd, was aged 70. Seventeen more of the same character lay under sentence of condemnation, some of whom died in prison, and the rest were discharged when the forgery was discovered, and the king was at liberty to exercise his royal prerogative of mercy and clemency. Besides this, the sufferings of the laity in those days were unexampled. Their health and fortunes were impaired and ruined by the hardships of imprisonment, (every goal in the kingdom being literally crowded with incarcerated victims,) and the pecuniary mulcts which were daily laid upon them, to which they were continually exposed in every station of life.

From this melancholy and heart-rending relation we shall digress for a few moments, to record the fate of the principal leaders and actors in this infernal tragedy. Shaftesbury was obliged to flee the country, and died soon after in Holland. Oates being turned out of his lodgings at Whitehall, gave himself such liberties at railing, that he was committed to prison on the 10th of May, 1814, for using scandalous words against the Duke of York, for which offence he was fined one thousand pounds. Two indictments were soon after laid against him for perjury, but these trials did not come on till the beginning of the next reign, when he was found guilty of both charges. One was for swearing that he was present at a consult of jesuits in London, the 24th of April, 1679; the other for swearing that father Ireland was in London between the 8th and 12th of August, and in the

beginning of September in the same year. "Never criminal," says Hume, "was convicted on fuller or more undoubted evidence. Two and twenty persons, who had been students at St. Omers, most of them men of credit and family, gave evidence, that Oates had entered into that seminary about Christmas in the preceding year, and had never been absent but one night, till the month of July following. Forty-seven witnesses, persons also of untainted character; swore that father Ireland, on the third of August, had gone into Staffordshire, where he resided till the middle of September; and, what some years before would have been regarded as a very material circumstance, nine of these witnesses were protestants of the church of England. Oates's sentence was to be fined a thousand marks on each indictment, to be whipped on two different days from Aldgate to Newgate, and from Newgate to Tyburn, to be imprisoned for life, and to be pilloried five times every year. Oates, in his defence, appealed to several noblemen upon the bench to give an account of his character, and success of his swearing abilities. In particular, he called upon the earls of Devonshire, Clare, and Huntingdon, to testify in his behalf. The latter of these noblemen is stated by Echard to have declared his mind in the following terms;—"I do believe Mr. Oates's discovery found a good reception in the house of lords; but it was grounded upon the opinion, that what he said was true; and that he was an honest man. But since that time, it being apparent there were so many contradictions, falsities, and perjuries in his evidence, upon which so much innocent blood hath been shed; I believe a great many persons, who were concerned in the trials of those unfortunate men, are heartily afflicted, and sorry for their share in it, and I do believe most of the house of peers have altered their opinion as to this man's credit, and look upon his evidence, as I do, to be false." Upon this, Oates lifting up his eyes and hands to heaven, made a solemn protestation, that all he had sworn concerning the plot was true. This, writes Echard, was exceeding shocking to many who knew the man and the subject; and the lord chief justice, in summing up the evidence, concluded in these words:—"There does not remain the least doubt, but that Oates is the blackest and most perjured villain that ever appeared upon the face of the earth." Thus, continues the same historian, the famous Dr. Oates, who had been applauded and caressed by the leaders in both houses of parliament, and by some styled *The saviour of the nation*, was now treated as a most vile and profligate impostor. And it is remarkable, that though he lived to a most favourable juncture for reversing his judgments, and brought his *writ of error* for that purpose into the house of peers, yet, after a small debate upon the

cause, the lords could not be prevailed upon to blanch his character or reputation, or restore him to the capacity of being an evidence in any court whatever. This favourable juncture was the time of the revolution, when, it seems, he had still some friends at court, who prevailed so far as to have him discharged from his imprisonment and corporal punishments, and he was favoured by the Whigs with a pension, for the assistance, we suppose, rendered to their cause by his horrid and notorious perjuries. The sequel of this diabolical impostor's life was spent amongst his anabaptistical acquaintance, with whom he passed the remainder of his wretched days. Nicholson and Dalby, two infamous persons, who had been some time Oates's servants, were sentenced in Charles's time, to stand in the pillory for seditious words against the king and the government. Some others of the plotters were arrested, in order to undergo their trials, and particularly Prance and Dangerfield. Prance being indicted for perjury, *pleaded guilty*, and was pilloried and whipped. A considerable time after, says Echard, without any apparent inducement, he made a voluntary confession of his crimes, in writing, and in express terms declared all the material parts of his narrative and depositions to be absolutely false.—Dangerfield was tried for being the author of a narrative, in the late reign (concerning the *meal tub plot*) full of lies and scandal. He was convicted and sentenced to stand in the pillory; to be whipped likewise, and fined five hundred pounds. This abandoned villain is said to have been twice condemned to death before he was 19 years of age; a rogue upon record in twenty-eight prisons; transported and burnt in the hand; five times sentenced to the pillory; seven times fined; twice outlawed for *felony*; and had broke from prison eight times. And yet this monster, under this flagrant character, was admitted in those times of iniquity, to be a *legal* witness! An accident which happened to this abandoned wretch must here be noticed. As he was carried in a chair down Holborn from his whipping between Newgate and Tyburn, one Mr. Francis, a catholic, and a young lawyer, belonging to Gray's inn, saluted him as he passed by, with "How do you like your breakfast, Mr. Dangerfield?" This question was replied to with very scurrilous language, upon which the young gentleman was provoked to dart his cane at him, which unfortunately pointing upon his eye, it occasioned an inflammation; and this being attended with a fever, Dangerfield died soon after. The friends to his cause took care to have Mr. Francis tried for this evidently accidental misfortune; nevertheless, he was convicted of *wilful* murder, and suffered accordingly. This proceeding was judged by all parties to be an instance of great severity. Bedloe, as before related, made his exit in

a starving condition; and the celebrated Whig opposer of popery, Lord Russell, finished his days upon a scaffold, being convicted of a *real* treasonable conspiracy against his king and the government.

Such was the end of the principal leaders and incendiaries in this foul and demoniacal transaction, and such the means pursued to bereave the catholics of their birth-right and character and to extirpate their religion in England.

In Ireland, the catholics were not deprived of their civil privileges until William Prince of Orange was called to the throne, in consequence of James II. being *deposed* by his *protestant* subjects. By an act of the *English* parliament, which assembled in October 1691, the Irish catholics were deprived of the privilege of sitting in either house of parliament. This act of William and Mary was in direct violation of the treaty of Limerick, which was signed by De Ginckle, the commander-in-chief of the English forces on the 3d of the same month. By this treaty the Irish catholics were placed in a situation of complete equality with their protestant countrymen; the free exercise of their religion was granted in the most unqualified terms; and they were admitted to all the rights, liberties, privileges, and immunities, which, by the laws of the land, and custom, constitution, and native birth-right, they were equally, with every other of their fellow citizens entitled to.—Notwithstanding these solemn engagements, but a few days elapsed ere they were deprived of their legislative rights, and before the expiration of twelve years they were stripped of every privilege which was guaranteed to them by that treaty, without any one act on their part to incur the forfeiture. Speaking of this scandalous violation of public faith by the Whigs of that day, Mr. Wm. Parnell, in his *Historical Apology for the Irish Catholics*, says, “That treaty remains a monument of the most flagrant perfidy that ever disgraced a nation; upon the faith of it, the Irish catholics gave up that power and influence, which you neither will nor can restore to them. And till that treaty is fulfilled in its most liberal sense, no ingenuity can remove the stain of deliberate perjury from the character of the English nation.”

The reader is thus in possession of a faithful narrative of the causes and events which led to the expulsion of the catholics of this kingdom from every place of civil trust, honour, and emolument, solely on account of their adhering to the religious principles of their ancestors. He will here find a relation of scenes chiefly drawn from protestant historians, who cannot be suspected of having too highly coloured the subject, at which the mind sickens with horror, humanity shudders, and christianity is disgraced.—Let him duly weigh the barbarous delusions, the impious perjuries,

the inhuman perversion of justice, and the sanguinary sacrifice of innocent blood on the one side, and the solemn declarations and protestations of innocence, the exemplary deportment of the suffering victims when on the verge of eternity, and the known and unimpeachable loyalty of the accused body, during the civil wars of the preceding reign, on the other, and he will be enabled to give a candid decision on the justice of the claims which the catholics are now making to be reinstated in those rights of which they were deprived during a period of political corruption and religious fanaticism. So remarkable an instance of oppression and villainy, as we have here recorded, ought to be an inducement to protestants to judge favourably of the catholics, whenever they happen to be charged with facts of the like nature. For if a confederacy of villains was capable of imposing upon the wisdom of the nation, after a diligent search; what influence may not calumny have with an exasperated party in private conversation, where stories are handed about and believed without further enquiry? A public injustice demands a public satisfaction; and since it has been proved that the catholics were debarred of their civil rights, without a shadow of crime, but by the tartarean contrivance of the most unprincipled and wicked leaders of an irreligious and impious faction, aided by the perjuries of the most consummate villains that ever disgraced society, justice requires that they should be reinstated in all their civil immunities and privileges in common with their protestant fellow citizens. This is a debt due to their injured characters and long sufferings. Those who perpetuate a crime, are undoubtedly participators in the guilt. To prolong then the exclusion of the catholics from their rights, is to partake of the infamy under which they were wrongfully shut out of the constitution. This being incontrovertibly the case, surely it behoves the virtuous and honest part of the community to remove that foul stain which the transactions here recorded still fix upon the character of the nation. The same spirit which ushered in and presided over the diabolical scenes of the latter part of Charles's reign, and which every one of our historical writers have noticed in terms of indignation and detestation, still usurps a dominion over the actions of some miserable men, who are the declared enemies of all revealed religion, and consequently to the noblest doctrine of christianity. Of this every good citizen should beware. With the most wily and smooth professions of attachment to the sacred cause of liberty, they are the greatest tyrants in their hearts, and the bitterest enemies to real freedom. Their aim is the destruction of all church government. Let the friends to the present establishment look to this; it is a question of serious

concern to them.—When catholics had a seat in parliament after the reformation, they were always found on the side of the constitution in church and state, and in opposition to the puritanic innovations of seditious reformers. The same would be the case now. Would it not be an act of wisdom, then, to call in the aid of five millions of auxiliaries, who have no desire to see confusion and disorder introduced into the state, more especially as by this proceeding an act of retributive justice will be performed, and the blot of infamy which has so long disgraced the annals of protestantism effectually removed? Thus the bright beams of toleration so congenial to the glorious principles of a free constitution will shed a lustre over the united empire, and the heavenly spirit of charity assume her sway in the hearts of its nobly-gifted citizens.

FINIS.



